

# Washington, Thursday, November 11, 1943

# Regulations

#### TITLE 29-LABOR

Chapter IV—Children's Bureau [Child Labor Reg. 8, Amendment]

PART 441—EMPLOYMENT OF MINORS BE-TWEEN 14 AND 16 YEARS OF AGE

# PICKING OF TURKEYS

In the matter of the petition for amendment of Child Labor Regulation No. 3 to permit the employment of minors between the ages of 14 and 16 years in the picking of turkeys.

Whereas the Chief of the Children's Bureau, United States Department of Labor, issued Child Labor Regulation No. 3 (Part 441, Chapter IV, Title 29, Code of Federal Regulations), effective May 24, 1939, providing that the employment of minors between the ages of 14 and 16 years under specified conditions in all occupations other than those specifically excepted by such regulation shall not be deemed to constitute oppressive child labor, and

Whereas among the occupations excepted from the scope of Child Labor Regulation No. 3 are all processing occupations, including occupations requiring the performance of any duties in work-rooms or workplaces where goods are processed, and

Whereas a petition was received from certain operators of establishments engaged in the handling, slaughtering, and dressing of poultry located in the State of Texas, requesting authority to employ minors between 14 and 16 years of age in the picking of turkeys, a processing occupation in which the employment of such minors now constitutes oppressive child labor, and

Whereas the question raised by said petition appeared to be a question of interest to all operators of establishments engaged in the handling, slaughtering, and dressing of poultry, and

Whereas, after notice duly published in the Federal Register, a public hearing was held on November 3, 1943, for the purpose of affording interested parties an opportunity to be heard upon the following issues:

1. In what occupations, if any, is the employment in poultry handling, claughtering, and dressing establishments of minors between the ages of 14 and 16 years in the handling, slaughtering, or dressing of poultry necessary for the war effort, and
2. If such employment of minors between

2. If such employment of minors between the ages of 14 and 16 years is found to be necessary for the war effort, what cafeguards should be established to protect their schooling and their health and well-being,

#### 'nпа

Whereas on the basis of the available evidence it appears that the shortage of labor in important turkey picking areas makes necessary the employment of minors between 14 and 16 years of age in the picking of turkeys during the peak turkey picking season and that such employment is necessary for the war effort.

Now, therefore, it is ordered that Part 441, Chapter IV, Title 29, Code of Federal Regulations, is hereby amended so as to include the following section to be designated as § 441.11:

§ 441.11 Employment in turkey picking establishments. Notwithstanding the provisions of § 441.2 (a) hereof, during the period ending December 31, 1943, this regulation shall apply to the picking of turkeys when carried on under the following conditions:

(a) Such employment shall be confined to the periods prescribed in §§ 441.3 (a) to 441.3 (e), inclusive, of this regulation

(b) Such employment shall not be permitted on more than six days in any seven-day period.

(c) A meal period of not less than 45 minutes shall be allowed after not more than five hours of work during each day of employment.

(d) Fure drinking water, adequate washing facilities, and adequate sanitary tollet facilities shall be made available within the immediate proximity of each turkey picking establishment in or about which minors between 14 and 16 years of age are employed.

(e) Any employer employing minors between 14 and 16 years of age under the provisions of this section shall have on

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file for each minor so employed an unexpired certificate issued and held pursuant to regulations of the Chief of the Children's Bureau.

(f) Any employer employing minors between 14 and 16 years of age under the provisions of this section shall maintain and preserve during the effective period of this section and for one year thereafter a record containing the name, address, and age of each minor so employed, and showing the hours worked each workday and each workweek by such minor.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: November 9, 1943.

KATHARINE F. LENROOT, Chief of the Children's Bureau.

[F. R. Doc. 43-18158; Filed, November 10, 1948; 11:58 a. m.1

TITLE 30-MINERAL RESOURCES

Chapter VI-Solid Fuels Administration for War

PART 602-GENERAL ORDERS AND DIRECTIVES

[Rev. Reg. 7]

RESTRICTIONS UPON BITUMINOUS COAL DELIVERIES

In order to insure the equitable distribution of the available supply of bi--tuminous coal during the period of work stoppages in the coal producing fields, it was necessary to issue Solid Fuels Administration for War Regula-tion No. 7 (8 F.R. 15176) which has imposed restrictions upon deliveries of bituminous coal by retail dealers. The substantial loss in production of bitu-minous coal resulting from the interruptions in production makes it necessary, in order that the available supply of bituminous coal may be equitably distributed, to maintain some restrictions upon deliveries of bituminous coal by retail dealers. Accordingly, in order to effectuate the purposes of Executive Order No. 9332, and by virtue of the authority conferred by that order, the provisions of Solid Fuels Administration for War Regulation No. 7 are hereby superseded, and Regulation No. 7 is revised to read as follows:

§ 602.141 Definitions. (a) "Bitu-minous coal" means all bituminous and subbituminous coal having caloriflo value in British thermal units of more than seven thousand six hundred per pound and having a natural moisture content in place in the mine of less than 30 per centum, and all coal designated as lignite produced in the State of Wyoming having calorific value in British thermal units of more than seven thousand six hundred per pound and having a natural moisture content in place in the mine of less than 30 per centum or more.

(b) "Retail dealer" means any person including, without limitation, a tidewater or lake dock operator, who acts in the capacity of a seller of bituminous coal in a transaction involving the sale, or sale and delivery, of broken bulk bituminous coal physically handled in less than carload lots, without regard to quantity or frequency of delivery,

(c) "Thirty days' supply" includes all bituminous coal of any usable kind, grade or size in the consumer's bin or other storage facility required by reasonable estimate to meet minimum bituminous coal requirements of the consumer for a thirty-day period.

§ 602.142 Restrictions upon bituminous coal deliveries by retail dealers. (a) Except as provided in paragraph (c) of this section, no retail dealer shall deliver any bituminous coal to a consumer if such consumer has more than a thirty days' supply, and no consumer shall accept delivery of any bituminous coal from a retail dealer if such consumer has more

than a thirty days' supply.

(b) A retail dealer may deliver bituminous coal in any quantity to a household consumer if the consumer has less than a thirty days' supply. A retail dealer may deliver bituminous coal in any quantity to a consumer other than a household consumer provided that the tonnage delivered, when added to the inventory on hand, does not exceed a thirty days' supply.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a retail dealer may deliver bituminous coal to a consumer with more than a thirty days' supply, and such consumer may accept delivery, if such retail dealer has no orders on hand from consumers with less than a thirty days' supply.

§ 602.143 Contemplated activities of local committees of the Office of Defense Transportation. (a) It is understood that local committees functioning under the direction of the Office of Defense Transportation will, during the effective period of this regulation, ascertain the amount of bituminous coal in retail yard storage piles in their communities, will arrange for the pooling of retail dealer activities in each bituminous consuming community.

(b) It is understood that the local committees functioning under the direction of the Office of Defense Transportation will indicate to the regional offices of the Solid Fuels Administration for War the tonnages of bituminous coal critically needed by those communities having insufficient bituminous coal to forestall suffering threatened by weather conditions. The Solid Fuels Administrator for War will, upon the recommendation of such local committees, arrange, so far as practicable and appropriate, for the shipment of sufficient tonnages of bituminous coal into those communities whose need for bituminous coal appears to be critical.

§ 602.144 Retail dealer deliveries in the Pacific Northwest are exempt. The provisions of this regulation do not apply to retail dealers who deliver bituminous coal, or to consumers who accept delivery of such coal from retail dealers, within the Limitation Area (States of Washington and Oregon and the following counties in the State of Idaho: Boundary, Bonner, Kootenai, Benewah, Latch, Nez Perce, Shoshone, Clearwater, Lewis and Idaho) described in Section of Ration Order No. 14A, issued by the Office of Price Administration on September 18, 1943.

§ 602.145 Violations. Any person who wilfully violates any provision of this regulation is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

§ 602.146 Communications. All communications regarding this regulation should be addressed to the Solid Fuels Administrator for War, Washington, D. C.

This regulation shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 9th day of November 1943, HAROLD L. ICKES,

Solid Fuels Administrator for War. [F. R. Doc. 43–18159; Flied, November 10, 1943; 11:19 a. m.]

# PART 602—GEMERAL ORDERS AND DIRECTIVES [Order 10]

#### UNBILLED BITULINOUS COAL

On October 29, 1943 specific directions were issued, pursuant to Solid Fuels Administration for War Regulation No. 1, to producers of bituminous coal requiring them to hold unbilled on tracks at their mines "the maximum possible number of cars preferably of lump and doublescreened coal consistent with continuous full mine operation." It now appears to be practicable and necessary to revoke these directions and also to revoke Solid Fuels Administration for War Regulation No. 8 that required the shipment of unbilled coal frozen at mines in Districts 2, 7 and 8 to certain areas and for certain uses. Accordingly, in order to effectuate the purposes of Executive Order No. 9332, and by virtue of the authority conferred by that order, the following order is issued by the Solid Fuels Administrator for War:

§ 602.156 Revocation of directions requiring coal to be held unbilled at mines. The specific directions issued, pursuant to Solid Fuels Administration for War Regulation No. 1, on October 29, 1943 to producers of bituminous coal requiring them to hold unbilled on tracks at their mines "the maximum possible number of cars preferably of lump and double-screened coal consistent with continuous full mine operation" are revoked.

§ 602.157 Revocation of Solid Fuels Administration for War Regulation No. 8. Solid Fuels Administration for War Regulation No. 8 is revoked.

This order shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued November 8, 1943.

MICHAEL W. STRAUS, Acting Solid Fuels Administrator for War.

[F. R. Doc. 43-18160; Filed, November 10, 1943; 11:19 a. m.]

TITLE 32—NATIONAL DEFENSE Chapter VI—Selective Service System [Amdt. 184, 2d Ed.]

PART 629—LOCAL BOARD PHYSICAL EX-ALUNATION AFTER CLASSIFICATION

By virtue of the provisions of the Selective Training and Service Act of 1940

(64 Stat. 885, 50 U.S.C., App. and Sup. 301, et seq.); E.O. 8545, 5 F.R. 3779, E.O. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend the regulations by adding a new part to be known as Part 629 to read as follows: Part 629—Local Board Physical Examination After Classifica-

tion.

§ 629.1 Registrants may be given local board physical examination after classification. (a) The Director of Selective Service or the State Director of Selective Service as to local boards in his State, may direct local boards to order registrants classified in Class I-A or Class I-A-O to report for a local board physical examination or any part thereof specified by the Director of Selective Service or the State Director of Selective Service at any time before the local board forwards such registrants for induction.

(b) A registrant classified in Class I-A or Class I-A-O may be given a local board physical examination or any part thereof at any time before his induction upon order of his own local board or, if he is transferred for delivery for induction, upon order of the local board to which he has been transferred for

delivery.

(c) The procedure to accomplish the physical examination or any part thereof authorized by paragraph (b) of this section and the duties and obligations of a registrant ordered to appear for such physical examination or part thereof shall be the same as those provided in §§ 623.31, 623.32, 623.33, and 623.34.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY, Director.

November 9, 1943.

[F. R. Doc. 43-18119; Filed, November 9, 1943; 3:38 p, m.]

[Amdt. 185, 2d Ed.]

PART 623—CLASSIFICATION PROCEDURE LOCAL EOARD PHYSICAL EXAMINATION

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (a) of § 623.41 (8 F.R. 9937) to read as follows:

§ 623.41 Local board physical examination not required in certain cases.
(a) Except as provided in Part 629, the physical examination of registrants by an examining physician shall not be required when:

- (1) Under the provisions of § 623.35, the Director of Selective Service or the State Director of Selective Service waives such examination; or
- (2) The examining physician is disqualified to make such examination under the provisions of § 603.63; or
- (3) The registrant is a delinquent; or(4) The registrant is outside an area where local boards are organized; or
- (5) The registrant is outside the area of his local board and the local board determines that the registrant is so far from his local board as to make his return for such examination a hard-ship; or

(6) The registrant fails to appear at the time and place fixed for his examination.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY, Director.

NOVEMBER 9, 1943.

[F. R. Doc. 43-18120; Filed, November 9, 1943; 3:38 p. m.]

# Chapter IX-War Production Board

Subchapter B-Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Interpretation 22 to CMP Reg. 1]

# REJECTION OF ORDERS

The following interpretation is issued with respect to CMP Regulation 1.

- (a) Paragraph (t) (3) of CMP Regulation No. 1 [§ 3175.1] requires a controlled materials producer to reject any order other than an authorized controlled material order, a sample order or an order which he is required or authorized to fill by the War Production Board. This provision does not require a producer to refuse to receive a piece of paper on which an order is written. It does require the producer to refuse to fill an order or schedule it unless it is an order which he is specifically authorized to fill. The order must be specifically rejected and the producer may either return the paper on which the order is written or file it, as he sees fit. In any case he must let his customer know that he cannot schedule the order and that his customer should not expect delivery against it.
- (b) Customers who place with a producer orders which the latter is prohibited from filling cause an unnecessary increase in the volume of paper work. It is therefore suggested that purchasers should refrain from placing unauthorized orders, even if they intend to validate the orders later.
- (c) While the placing of a delivery order before an allotment is received is discouraged, it is recognized that in certain cases customers will find it necessary to place orders before they have received their allotments. This may happen, for example, in the

case of long-term contracts extending beyond the period for which advance allotments have been made. In such a case, a delivery order may be converted into an authorized controlled material order either by furnishing a copy of the order conforming to the requirements of paragraph (s) of the regulation or by furnishing, in writing, the requisite information clearly identifying the order and bearing the certification required by subparagraph (3) of paragraph (8). Such an order must be treated as an authorized controlled material order as of the date on which the necessary information and certificate (including the allotment number) are received by the producer,

Issued this 10th day of November 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,

Recording Secretary.

[F. R. Doc. 43-18148; Filed, November 10, 1943; 11:34 a. m.]

PART 3207—INDUSTRIAL TYPE INSTRU-MENTS, CONTROL VALVES AND REGULA-TORS: SIMPLIFICATION

[Schedule VII to Limitation Order L-272]

# INDUSTRIAL AND GENERAL PURPOSE THERMOMETERS

§ 3207.8 Schedule VII to Limitation Order L-272 - (a) Definition. This schedule applies to industrial and general purpose thermometers. Some of the provisions apply only to one or the other of those classes, and in such cases they so state. Otherwise, the provisions apply to both classes of thermometers. "Industrial thermometers" are those generally known as such by the trade. Such thermometers as the 5-inch scale Navy type are included. An industrial thermometer has a case with glass front; a mercury or liquid filled glass tube; fixed or thread, flanged, union, separable socket, or long stem connection; and a separate scale graduated in degrees. "General purpose thermometers" are those generally known as such by the trade. They include such types as cylindrical case, sterilizer, hot-water, open "v" case. and shower bath thermometers. They are generally similar in construction to industrial thermometers. Neither of these terms include such special types as cup-case, japanned tin case, etched in armor, or shiphold thermometers; nor do they include dairy thermometers manufactured to conform to Federal, State or Municipal regulations applying to the handling of milk.

(b) Specifications. (1) Protective finishes for case or front, if supplied, shall be paint, lacquer or enamel only.

(2) Industrial thermometer cases shall be made only in the 5-inch, 7-inch and 9-inch sizes; and only one type of case (the manufacturer's standard type) shall be furnished in each size; but the omission of glass or front from the case shall not constitute a difference in type. The provisions of this paragraph (b) (2) do not apply to fumetight cases.

(3) General purpose thermometers shall not be manufactured by any producer in more than two models. A pro-

ducer may select any two models, irrespective of case, shape, or size; but any variation in case, shape or size will constitute a different model. Shape means such things as "v" shape, cylindrical, etc. Size means length and width of the case. Range and stem variations, and the presence or absence of glass or front do not constitute differences in model, however.

(4) Cases and case fronts shall not be made of copper or copper alloy other than copper tubing, copper alloy tubing, or cylindrical extruded shapes.

(5) Thermometers shall be manufactured in 90, 135, 180 and 225 degree angles only. The angle is that measured between the center line of the stem and the center line of the case, and is measured either in a plane normal to the face backwards from the face, or in a plane parallel to the face either to the right or left of the face. Offset angles are in no way restricted by this provision.

(6) Thermometer scales shall not have any special markings or legends, such as service markings, special markings, or colorings or graduations, operating zones, or trade names, or trade marks other than those of the producer. If special markings or legends are necessary they should be placed on tags made of non-critical materials. This provision does not apply, however, to printed scales which are in standard use by a producer for specific applications.

(7) Separable sockets shall not be sup-

(7) Separable sockets shall not be supplied with caps and chains except when they are required by Navy specifications

on orders for the Navy.

(8) Fahrenheit scales on industrial thermometers within the limits of minus 40 and plus 950 degrees, inclusive, shall be furnished only in the basic ranges shown in the table below. Actual scale figures shall conform as closely as standard manufacturing procedure will allow. Wherever a customer wants a scale to extend below minus 40 degrees or above plus 950 degrees, such scale may be furnished and the restrictions of this paragraph shall not apply.

# TABLE OF PERMITTED SCALE RANGES (FAHRENHEIT)

0-plus 60
0-plus 100
minus 10-plus 110 (for 5-inch scale only)
minus 40-plus 110
0-plus 160
plus 30-plus 180
plus 120-plus 220
plus 30-plus 240
plus 170-plus 270
plus 30-plus 360
plus 50-plus 360
plus 50-plus 400
plus 200-plus 500
(for 5-inch scale only)
plus 150-plus 750
plus 150-plus 750
plus 150-plus 750
plus 200-plus 950
plus 200-plus 950

Issued this 10th day of November 1943.

WAR PRODUCTION BOARD.

By J. JOSEPH WHELAN,

Recording Secretary.

[F. R. Doc. 43-18149; Filed, November 10, 1943; 11:34 a. m.]

PART 3270—CONTAINERS

[Limitation Order L-232 as Amended Nov. 10, 1943]

# WOODEN SHIPPING CONTAINERS

§ 3270.561 Limitation Order L-232-(a) Definitions. For the purposes of this order:

"Wooden shipping container" (1) means any new shipping container made wholly or partially of wood which is used for the shipment and delivery of commodities. The term does not include trunks, luggage, military locker boxes, or boxes consisting of more than 50% of corrugated or solid fibre (by

(2) "Shipper" means any person to whom a bill of lading or manifest is issued, or, in cases where these are not issued, any person who authorizes the

shipment of a commodity.

(b) Restrictions-(1) Manufacture, sale or delivery of containers. No person shall manufacture, sell or deliver any wooden shipping containers or parts which he knows or has reason to believe will be used or accepted in violation of any provision of this order.

(2) Manufacture and assembly of containers. No person shall commercially manufacture or assemble any wooden shipping container for the purposes described in the several tables of Schedule A, which does not meet the specifications contained in those tables. The restrictions of this paragraph shall not apply to barrels, drums, kegs, kits or pails.

(3) Manufacture of container parts. No person shall commercially manufacture any wooden parts designed for any wooden shipping container described in the several tables of Schedule A which, when assembled, will not conform with the specifications of those tables. The restrictions of this paragraph shall not apply to barrels, drums, kegs, kits or

(4) Coloring. No manufacturer, dealer in, or commercial user of wooden shipping containers or parts shall dye, stain, or otherwise color containers or parts which are described in Schedule A. The restrictions of this paragraph shall not apply to barrels, drums, kegs, kits or

pails.

(5) Printing. All stamping, printing and labeling, unless otherwise required by law, shall be placed on only one outside surface of any wooden shipping container covered by the several tables of Schedule A of this order, whether it be an end, a side, bottom, top or cover. The restrictions of this paragraph (b) (5) shall not apply to barrels, drums, kegs, kits or pails or to paper, labels or markings which only:

(i) State the capacity of the container in terms of whole or fractional pints,

quarts, pecks, or bushels; or

(ii) in the case of baskets and hampers are identifying markings provided for in regulations of the Secretary of Agriculture issued under the United States Standard Container Act of 1928; or

(iii) are designed for the purpose of -encouraging salvage and reuse of the container, provided the label or printing does not include the name, brand, trade-mark or other reference to any person, firm, partnership or corporation,

(c) Restrictions on packing and shipping. (1) No person shall commercially ship in any wooden shipping container any of the commodities listed in Table I of Schedule B. This shall not, however, restrict the shipment of any commodity listed which has already been packed on the date it was included in this Table or the shipment of any listed commodity in wooden shipping containers which were in the shipper's inventory or in transit to him on the date it was included in this table, but only for a period of sixty days thereafter.

(2) No person shall commercially pack for shipment in any quarter of the calendar or seasonal year, whichever is specified, any commodity listed in Table II of Schedule B in wooden shipping containers to an extent greater than the designated percentage of that commodity that he packed for shipment in wooden shipping containers in the same quarter of the specified base period.

- (3) Except as permitted by this paragraph, no person shall ship in wooden shipping containers during any calendar or seasonal year, whichever is specified, any commodity listed in Table II of Schedule B (whether such commodities were packed by himself or received by him from growers or other packers) to an extent greater than the designated percentage of that commodity that he shipped in wooden shipping containers for the same grower or packer during the base period. Any grower or other packer may change his shipper. Any shipper may increase the amount of any commodity which he may ship for any grower or other packer, to the extent that the excess results from a change of shippers by the grower or packer. However, he may do this only if he reports by letter to the War Production Board, giving the name and address of the former shipper, the commodity, and the amount of the commodity which was shipped through the former shipper in the base period. This report shall be filed within ten (10) days after the transfer of the quota, or if the transfer shall have taken place before September 8, 1943, then within ten (10) days after September 8, 1943. Where a grower or packer does his own shipping he shall not have a separate quota in his capacity as grower and as shipper; and where a grower or packer changes his shipper so that he may do his own shipping, he must file the report called for in this paragraph (c) (3).
  - (4) [Deleted Oct. 25, 1943.]
- (d) Appeals. Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of appeal.

(e) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance

(f) Communications. All reports required to be filed hereunder and all communications concerning this order shall. unless otherwise directed, be addressed to War Production Board, Containers Division, Washington 25, D. C., Ref.: L-232.

(g) Applicability of regulations. order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

Norz: The reporting requirements of paragraph (c) (3) has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of November 1943. WAR PRODUCTION BOARD, By J. Joseph Whelan. Recording Secretary. SCHEDULE A—SPECIFICATIONS FOR WOODEN

SHIPPING CONTAINEES . TABLE I-HALIPEES, BASKETS, BERRY CUPS FOR FIRSH YEUTIS AND VEGETABLES

(a) Specifications for the types and dry capacities of permitted hampers, baskets, and barry cups are as follows:

Type—(1)	Dry capacity (2)
1. Hampers	½, ½, 1 bu.
2. Round stave baskets.	½,1 bu.
3. Splint baskets	8, 12, 16, 24, 32 qts.
4. Climax baskets	4, 12 qts.
5. Till baskets	1, 2, 3, 4 qts.
6 Berry cun	36.1 pt., 1 ot.

(b) Exceptions. The restrictions of paragraphs (b) (2), (3), (4) and (5) of this order and of paragraph (a) of this table shall not

apply to:
(1) The manufacture or assembly of wooden shipping containers referred to in this Table by any person from wooden parts cut to size by him before March 4, 1943, provided such manufacture or assembly is completed by August 31, 1943;

(2) The assembly of wooden shipping containers referred to in this table by any percon from cut-to-size wooden parts bought and received by him before April 1, 1943, provided such assembly is completed by

August 31, 1943.
(c) "Hamper", "round stave basket", and "splint basket" have the same meanings as in rules and regulations 2 of The Secretary of Agriculture issued under the United States Standard Container Act of 1928? "Climax backet", "till backet", and "barry cup" mean backets and containers of the type subject to rules and regulations of The Secretary of Agriculture issued under the United States Standard Container Act of 1916,4 as amended.5

<sup>&</sup>lt;sup>1</sup> Formerly § 3270.5.

JU. S. Department of Agriculture Service and Regulatory Announcements No. 116, as amended.

<sup>245</sup> Stat. 635; 15 U.S.C. 257.

<sup>\*</sup>U. S. Department of Agriculture Service and Regulatory Announcements No. 104, re-

<sup>439</sup> Stat. 673; 15 U.S.C. 251.

<sup>\*45</sup> Stat. 930; 15 U.S.C 251.

TABLE II-WOODEN SHIPPING CONTAINERS FOR FRESH FRUIT AND VEGETABLES

Usual name	Inside depth (inches)	Inside width (inches)	Inside length (inches)
(1)	(2)	(3)	(4)
1. Apple box	103/21 11 11	111½ 12½ 13	18. 16. 17.
4. Apricot lug 5. Artichoke box 6. Asparagus crate 7. Asparagus crate	456	12}4	16. 2056. 17% or 18. 17%.
6. Asparagus crate	4½	9% top, 12 bottom	18.
12. Berry crate. 13. Berry crate. 14. Berry crate. 15. Berry crate. 16. Berry crate.	3½ or 3½ 9 or 9½ 7½	9 11 11 11	18. 18. 22. 22. 21½ to 22.
17. Bushel crate	11	11	21 /4 to 22. 15. 22. 22. 22.
21. Cauliflower crate 	8½ 12¾ 20 9¾	18	2156 to 22. 23. 2056. 20.
24. Celery crate. 24a. Celery crate. 25. Celery crate. 26. Celery crate. 27. Cherry, apricof, prune lug	576	16 18 8	22. 1216. 1276. 14.
20. Celery crate.  27. Cherry, apricot, prune lug.  28. Cherry, apricot, prune lug.  29. Cherry, apricot, prune lug.  30. Cranberry box  31. Cranberry box	334 336 94 94	10½ 10½ 10½ 10½ 11	14. 15. 15. 13 <sup>1</sup> 5/6.
31a. Date box	27/8	13½ 11 11½ 11¼	16. 16. 16. 16.
*36. Fruit box *37. Four-basket crate** *38. Four-basket crate*	43/2	111½ 111½ 16 16	16. 16. 16. 16.
*39. Four-basket crate *40. Four-basket crate 41. Honey dew standard crate 42. Honey dew jumbo crate 43. Lemon box.	1 434	16 16 16	16. 16. 22. 22.
43. Lemon box. 44. Lettuce crate. 45. Lime box. 46. Lug box. 47. Lug box.	976	13	25. 21% to 22. 12. 16.
40. Melon crate	434	13½	16. 16. 22. 22.
51. Orange and grapefruit box 52. Orange and grapefruit box 53. Half grapes and grapefruit box	1113/2	1134 12 934 1134	24. 24. 19. 18.
54. Pear box. 55. Half pear box. 56. Pear lug. 57. Pepper crate. 58. Produce box (1 bushel). 59. Produce box (34 bushel).	532 532 634 1338 736 2	113½ 13½ 11112 1112 173½	18. 2058. 22. 1714.
61. Rhubarb box	71/6 1 71/6 1 10½ 9 313/6	1236 12 11½	1236. 33. 2456.
62. Rhubarb box	127/6	11½	2456. 15 top. 16 bottom: 1634.
65. Vegetable crate	13 9 8 732	171½ 13 12 15 or 15½	2156 to 22. 2156 to 22. 22. 1834.

<sup>1</sup>The inside depth of this box may be increased up to 11½", either by the addition of cleats of any thickness or by the use of a solid end.

<sup>2</sup>The inside depth of this box may be increased up to 7½6" by the addition of cleats of any thickness or by the use of a solid end.

\*Wherever an asterisk appears, cleats may be used for such items, as provided for in paragraph (c) of the text of Table II.

(a) The designation in column (1) of Table II is merely for identification and shall not be construed as restricting usage. 'Inside width' and 'Inside depth' of the container are the width and length, respectively, of the end pieces or end frames, exclusive of any cleats. 'Inside length' of the container shall be its outside length minus the combined thickness of both ends and of the center piece (if any).

(b) An optional variation of up to  $\frac{1}{8}$ " under or up to  $\frac{1}{4}$ " over the specified inside lengths is allowed. A tolerance of up to  $\frac{1}{8}$ ", plus or minus, in the specified inside depths and inside width is allowed for shrinkage and manufacture.

(c) No cleats may be so used as to increase inside dimensions except where an asterisk appears in Column (1) of Table II or where, and as, specified in any footnote after that table. Where an asterisk appears in Column (1) of Table II, one or more cleats of ¼", ¾", ½", ½", ½", ½", 1½", or ¾" thickness may be attached to the top of each end piece, or end frame, provided such cleat or cleats do not increase the inside dimensions of the constitution in the more than the provided thickness. tainer by more than the specified thickness of the cleat or cleats.

(d) Exceptions. (1) The restrictions of paragraphs (b) (2), (3), (4) and (5) of this order and of this Table II shall not apply to:

(i) The manufacture or assembly of wood-(i) The manufacture or assembly of wooden shipping containers by any person from wooden parts cut to size by him before March 4, 1943; provided, such manufacture or assembly is completed by August 31, 1943:

(ii) The assembly of wooden shipping containers by any person from cut-to-size wooden

parts bought and received by him before April 1, 1943; provided, such assembly is completed by August 31, 1943;

(2) The restrictions of this Table II shall not apply to the manufacture or assembly of wooden shipping containers, or the manufacture of wooden parts for wooden shipping containers, to be delivered:

(i) To or for the account of the Army, the Navy, the Coast Guard, the Maritime Commission, the War Shipping Administration, or the Department of Agriculture (for Lend-Lease purposes), provided, the government agency's specifications require wooden shipping containers which do not comply with

Table II.

(ii) To any person for use in packing fresh fruits or vegetables for delivery to or for the account of such government agencies; pro-vided, the government agency's specifications require wooden shipping containers which do not comply with Table II; and provided further, such person furnishes the container or container-parts supplier with a written certification in substantially the following form, signed by an authorized official, either manually or as provided in Priorities Regula-

"This is to certify that specifications of orders received by the undersigned from (designate government agency) require wooden containers not conforming with Order L-232. The material ordered herewith is forthat purpose only.

Company By\_\_\_\_\_\_\_ Date\_\_\_\_\_

Such certification shall constitute a representation to the supplier and to the War Production Board as to the truth of the facts stated therein. The supplier may rely upon such representation unless he has knowledge or reason to believe that it is not true.

TABLE III—WOODEN SHIPPING CONTAINERS FOR DRESSED CHICKENS & TURKEYS

Chicken boxes (approximate weight) (1)	Inside length (inches) (2)	Inside width (inches)	Inside depth (inches) (4)
101. 36 lbs	18	14	714
	19	1414	714
	20	1614	714
	21	1614	714
	22	17	714
	24	17	814
111. Small	28	24	614
	32	28	714
	31	19	8
	30	22	814

(a) Exceptions. The restrictions of para-

graph (b) (2), (3), (4) and (5) of this order and of this Table III shall not apply to:
(1) The manufacture or assembly of wooden chicken and turkey boxes by any person from wooden parts cut to size by him before July 30, 1943, provided such manufacture or assembly is completed by September 30, 1943;

(2) The assembly of wooden chicken and turkey boxes by any person from cut-to-size wooden parts bought and received by him before August 15, 1943, provided such assembly is completed by September 30, 1943.

Schedule B—Restrictions in Use of Wooden SHIPPING CONTAINERS

TABLE I-COMMODITIES WHICH MAY NOT BE SHIPPED IN WOODEN SHIPPING CONTAINERS

(a) The restrictions of this Table I shall not apply to (1) shipments to or for the account of the Army or Navy of the United States, or shipments to military exchanges (as defined in Priorities Regulation No. 17) located outside the 48 states, the District of Columbia and Canada, (2) shipments to be delivered ultimately outside the 48 states of the United States, the District of Columbia and Canada, (3) shipments of stores for

shipboard use on ocean-going vessels, (4) shipments in wooden barrels, kegs, drums, kits or pails, except in the case of soda ash, bicarbonate of soda, and salt, (5) shipments of the fresh vegetables listed until after January 1, 1944.

(b) Whenever the letter "b" appears after a commodity in this list, the restriction ap-

a commodity in this list, the restriction applies to this commodity only when packaged in glass, textile, metal or paper.

(c) Soda ash and bicarbonate of soda were included in Table I on July 23, 1943 and all the other commodities were added on October 25, 1943.

(d) The headings used in this table are

only for the purpose of separating the items into groups of similar commodities.

#### **Building** materials

- 1. Asphalt roofing (rolls or shingles), slding and tiles
- 2. Brick, except fire and glass 3. Cement<sup>5</sup>

- Cork (except pipe covering and slabs)
   Mineral wool, except slabs, blocks, batts
- and insulation (formed, metal encased)
  6. Plaster, cement lime, gypsum (this does not include dental, orthopedic and industrial mold grades)
  7. Roof coatings and cements b
  8. Steel sash and windows

#### Foods (fresh vegetables are listed as Items 38-43 and animal foods, Item 101)

Bakery goods, except in multiple trip returnable containers

Baking powder

- Candy or confectionery
- 12. Canned and glassed foods 13. Cereals, prepared 14. Chocolate

- 15. Cocoa
- 16. Coffee
- Condiments b
- 18. Corn starch b
- 19. Dessert powders 20. Flours, prepared
- products
- 21. Food seasoning, coloring and related products b
- 22. Fruit and vegetable juices b 23. Gelatins b
- 24. Horseradish products b
- 25. Ice cream cones
- 26. Macaroni b
- 27. Mayonnaise and salad dressing b
- 28. Noodles b
- 29. Nuts, edible
- 30. Peanut butter and peanuts b
- 31. Popcorn
- 32. Potato chips
- 33. Rice
- 34. Salt
- 35. Spaghetti b
- 36. Spices (except mustard flour)
- 37. Tea

#### Fresh regetables

- 38. Cabbage
- 39. Corn, green 40. Onions, dry
- 41. Potatoes, white
- 42. Rutabagas
- 43. Turnips, root

#### Glass products

- 44. Jars, home canning
- 45. Ornaments and decorations

#### Hardware

- 46. Buckets and pails (wood or metal)
- 47. Handles, wooden, for hand tools
- 48. Wash tubs, wood or metal

# Horticultural items

- 49. Flowers and flower seeds
- 50. Shrubs, ornamental
- 51? Trees, ornamental

#### Leather products

52. Belting butts and shoe leather, except cut stock (repair taps, incoles, counters, box toes, record welting)

53, Bridles

54. Harnesses

55. Horse collars 56. Novelties

57. Pocketbooks

58. Saddles

59. Suitcases 60. Traveling bags-all kinds

61. Trunks

62. Whips and crops

# Paper products

63. Advertising displays—counter, window or

floor 64. Albums

65. Announcements

66. Calendars 67. Catalogues

68. Greeting cards

69. Mustrated post cards 70. Magazines, including house organs

71. Novelties

72. Posters 73. Punch boards

# Textiles (except clothing)

74. Awnings

75. Blankets

76. Comforters

77. Mattresses

78. Rope, string and twine 79. Tents

### Miscellaneous

- 80. Adhesives or cements, household 81. Appliances, electric, domestic (except stoves, refrigerators, washing machines and mangles)
- 82. Art supplies
- 83. Ash trays
- 84. Baskets
- 85. Bed springs
- 86. Beverages, carbonated, malt or alcoholic and concentrates, except in multiple trip returnable containers.
- 87. Bicarbonate of coda
- 88. Brushes and brooms
- 89. Buttons
- 90. Candles :
- 91. Ceramics, ornamental
- 92. Charcoal, except activated carbon 93. Cigars and cigarettes
- 94. Combs
- 95. Cosmetics
- 98. Dentifrices 97. Depilatories
- 98. Dry cleaning preparations, household 99. Electric light bulbs
- 100. Fertilizers
- 101. Food, animal and pet
- 102. Furniture, outdoor and garden
- 103. Hair, dressing and dyes, shampoos and tonics
- 104. Hats, millinery
- 105. Heels and soles, footwear
- 106. Hose, rubber and fabric
- 107. Jewelry
- 108. Mops
- 109. Ornaments, made of glass, plastic, pot-tery, china, metal, wood, paper or leather
- 110. Paint b
- 111. Peat moss
- 112. Pens and pencils 113. Perfumes and tolletries
- 114. Polishes b 115. Scouring and cleaning compounds and detergents
- 116. Shoes
- 117. Soap b
- 118. Soda ash
- 119. Sporting goods
- 120. Starch b 121. Tobacco b
- 122. Toys and games
- 123. Varnishes
- 124. Waxes b

TABLE II-COLLLIODITIES WHOSE PACKING AND SHIPPING IN WOODEN SHIPPING CONTAINEDS IS RESTRICTED

# Fruits and regetables

Quota based on 19	
Commodity: calendar year (perce	nt)
Cantaloupes and melons	
Carrots	
Cauliflower	
Celery	
Cucumbers	_50
Graps, juice 1 Graps, table: 2	50
Grapes, table: 2	
Thompson	100
Muscat	100
Sultana	100
Zante Current	100
All other varieties	110
Lettuce	80
Radishes	50
Miscellaneous products	
Animal proprietary drug remedies	65
Books	80
Carpets	80
China and classware (except vitrified	
for commercial use)	80
Clothing, except shoes	80
Furniture (other than outdoor and	-
garden)	65
Glass tableware and glass kitchen	
articles	20
Hooks and eyes, slide and snap fas-	
teners, buckles and miscellaneous	
metal apparel bindings	60
Linoloum	80
Musical instruments	80
Pottery products household (except	-
ornamental)	80
Pottery products, household (except ornamental) Printing and publishing products,	-
except those listed elsewhere	80
Rugs	80
Tile (floor, wall, facing, glazed or	
unglazed)	63
**************************************	60

Note 1: Juice grapes are grapes of the following varieties:

Alicante Bouschet Malvoisie Allcante Ganzin Mataro Aramon Mission Barbera Mondeuse Beclan Mourastel Carbernet Sauvignon Nebbiola Petit Rouschet Carlenane Petite Sirah Charbono Portuguese Blue Crabb's Black Burgundy Salvador Frien St. Macaire Gamay Grand Noir Tannat Grenzche Teoplier Grignolino Trousseau Lengir Valdepenas Limberger Zinfandel

Malbec Note 2: In the case of Thompson, Muscat, Sultana and Zante Currant variety of table grapes, the shipping quota is limited to each of these varieties, and in the event that the quantity of each of these varieties is insufficlent to fill the quota, no other variety of

grape may be shipped as part of that quota. Note 3: The base period and quota period quantities of a commodity shall be determined by weight, volume or count of that commodity packed for shipment or shipped in wooden shipping containers, or by the board footage content of the wooden shipping containers required. The same measure shall be used in both the base period and

quota period quantities for any commedity. Nore 4: Exceptions. (i) No person shall be bound by quota restrictions contained in paragraphs (c) (2) or (3) applicable to any commodity during any calendar year or seasonal year, whichever is specified, during which he neither packs nor ships more than one carload or 30,000 pounds of that commod-

ity, whichever is the lesser.

(ii) The provision with respect to reporting change of shippers contained in paragraph (c) (3) shall not apply where less than a carload or 30,000 pounds of a commodity, whichever is the lesser, is being shifted from one shipper to another.

Note 5: Unused quotas of any commodity in this list may not be used for packing or shipping any other commodity. For example, where a person has packed for shipment or shipped both juice grapes and table grapes in the base period, he is limited to his quota of each in the quota period and may not pack for shipment or ship table grapes in place of all or part of his juice grape quota, or vice versa.

Note 6: In the case of all the commodities in this Table with the exception of juice grapes and table grapes, the quota restriction shall not become effective until 1944.

[F. R. Doc. 43-18152; Filed, November 10, 1943; 11:35 a. m.]

# PART 3270—CONTAINERS [Supplemental Order L-232-a]

WOODEN SHIPPING CONTAINERS FOR ORANGES AND GRAPEFRUIT

§ 3270.58 Supplemental Order L-232a—(a) Purpose. The purpose of this supplemental order is to restrict the use of wooden shipping containers by permitting only a specified percentage of oranges and grapefruit to be shipped in them with the intent that the balance will be shipped in bags or otherwise than in wooden shipping containers.

(b) Definitions. For the purpose of this supplemental order:

(1) "Wooden shipping container" means any new or used shipping container made wholly or partially of wood.

- (2) "Seasonal year" shall mean the period from November 1, 1943 to October 31, 1944, and the quarters of the seasonal year shall be each succeeding three month period beginning November 1, 1943.
- (c) Restrictions. (1) No person making shipments of oranges and grapefruit originating in the areas listed below shall commercially ship in wooden shipping containers in any quarter of the seasonal year a greater proportion of the total volume of his shipments of oranges and grapefruit (not including shipments for canning, juice or other processing) than the following:

- Percent Shippers making shipments originating in Texas\_. Shippers making shipments originating in California and Arizona

(2) Any person shipping less than his quota of oranges and grapefruit in wooden shipping containers in any quarter may increase his quota of shipments in wooden shipping containers in the following quarters by the amount of the difference between his quota and what he actually shipped in the preceding quarters.

(3) This restriction shall not apply to any shipper who ships less than one carload of oranges and grapefruit, or its equivalent, in any quarter.

(4) Shippers located in the Florida area have not been included in the restrictions provided for by this order because the Florida Citrus Commission is placing and administering quota restrictions to the end that not more than 90% of the total shipments in the seasonal year of oranges and grapefruit from Florida shall be in wooden shipping containers.

(d) Transfer of quotas. Any shipper who does not ship his permitted amount of oranges and grapefruit in wooden shipping containers may transfér his unused quota to another shipper.

(e) Miscellaneous provisions—(1) Appeals. Any appeal from the provisions of this order shall be made by filing a letter referring to the particular provision appealed from and stating fully the grounds of appeal.

(2) Records. All persons affected by this order shall keep for at least two years records concerning the shipments of oranges and grapefruit in wooden shipping containers and shipments by other means, and also records concerning the transfer of quotas, including the names and addresses of parties involved and the amount transferred, and shall make reports on same, if required.

(3) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from accepting further deliveries of, or making deliveries in wooden shipping containers.

(4) Applicability of regulations. This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time

(5) Communications. All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington 25, D. C., Ref: L-232-a.

Issued this 10th day of November 1943.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 43-18151; Filed, November 10, 1943; 11:34 a. m.]

PART 3274 1-MACHINE TOOLS AND INDUS-TRIAL SPECIALTIES

[General Preference Order E-10, as Amended Nov. 10, 1943]

# ANTI-FRICTION BEARINGS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of antifriction bearings for defense, for private account, and for export; and the following order is deemed necessary and ap-

propriate in the public interest and to promote the national defense:

§ 3274.61 1 General Preference Order E-10—(a) Definitions. For the purpose of this order: (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of individuals, whether incorporated or not.

(2) "Producer" means any person who is engaged in the manufacture of anti-

friction bearings.

(3) "Anti-friction bearing" any bearing employing as rolling elements balls of any size or rollers of any size or shape.

(4) "Production order" means

(i) Any purchase order or contract for one or more anti-friction bearings of any one size having a total purchase price of \$500 or more, or

(ii) Any purchase order or contract for more than five hundred anti-friction

bearings of any one size.

(5) "Miscellaneous order" means any purchase order or contract for anti-friction bearings other than production or-ders: Provided, however, That no person shall subdivide his purchase orders or contracts for anti-friction bearings for the purpose of coming within this definition.

(6) "Total quarterly production" means the total number of units of all types of anti-friction bearings to be manufactured by a producer in any

given quarter.
(7) "Total monthly deliveries" means the total number of units of all types of anti-friction bearings to be delivered by a producer in any given month.
(8) "Continental United States"

means the territory comprising the several States and the District of Columbia.

(b) Scheduling of total quarterly production. (1) Each producer shall schedule his total production for the four months period September, October, November and December 1943, and, beginning January 1, 1944, he shall schedule his total quarterly production of antifriction bearings in such manner as to make available during such period or quarter 85% of his production for delivery against production orders and 15% of his production for delivery against miscellaneous orders: Provided, however, That these percentages allocated to production orders and miscellaneous orders, respectively, may be varied by any producer to the extent that he does not have enough unfilled purchase orders and estimated future orders reasonably anticipated to be received within the next ninety days to absorb one or the other of such percentage allocations.

(2) Notwithstanding the provisions of Priorities Regulation No. 1, any producer who shall schedule the production of a given size of anti-friction bearings to fill an order or orders therefor, delivery of which is required during any given quarter, may schedule the production of additional bearings of such size

either

<sup>&</sup>lt;sup>1</sup>Formerly Part 3208. § 3208.6.

(i) When necessary to bring the quantity scheduled to a minimum prac-

ticable production run, or

(ii) To meet orders therefor not yet actually received but reasonably to be anticipated within the next 90 days: Provided, however. That in no event shall the additional quantity of bearings to be scheduled for production to meet such anticipated orders exceed the average quarterly quantity of such bearings sold by such producer during 1942.

(c) General Scheduling Order M-293. Anti-friction bearings now appear on Table 12 of General Scheduling Order M-293. Therefore, in addition to complying with the provisions of General Preference Order E-10, producers are subject to the provisions of General Scheduling Order M-293 including the requirement contained in that order that they file operations reports on Form WPB-1314.

(d) [Deleted Nov. 10, 1943]

(e) Deletion and addition of purchase orders in schedules. No producer who receives any instruction from any purchaser to withhold work on, or delivery under, any contract or purchase order for anti-friction bearings shall retain such contract or order in his schedule for more than ten days. Whenever any such contract or order has been deleted from such schedule, the producer shall immediately notify the purchaser of such action. No contract or order, which shall have been deleted from a producer's schedule pursuant to this paragraph (e), shall be reinstated in the same or any subsequent schedule for delivery on its original schedule delivery date. In the event the purchaser withdraws such instruction to withhold work on, or delivery under, any contract or purchase order, notice of such withdrawal may be treated by the producer as the placing of a new contract or purchase order for the same amount, type and size of antifriction bearings as covered by the unfilled portion of the original contract or purchase order, and may be scheduled in the same way as a new contract or purchase order.

(f) Allocation of deliverles against production orders and miscellaneous orders. Each producer shall allocate 85% of his total monthly deliveries to production orders and 15% of his total monthly deliveries to miscellaneous orders: Provided, however, That the percentage of total monthly deliveries allocated to production orders and miscellaneous orders, respectively, by this paragraph (f), may be varied by any producer to the extent that such producer does not have sufficient unfilled purchase orders to absorb one or the other of such percentage allocations. The sequence of deliveries against production orders and miscellaneous orders within the respective percentage limitations on such deliveries imposed by this paragraph (f) shall be scheduled according to the terms of Priorities Regulation No. 1 and other applicable regulations of the War Production Board: Provided, however, That notwithstanding paragraph (d) of § 944.7 of Priorities Regulation No. 1, material specifically produced for an order for anti-friction bearings rated AA-5 or higher shall not be diverted and delivered under a higher rated order subsequently accepted if such material is completed at the time of the acceptance of the higher rated order or is in production and scheduled for completion within thirty days thereafter, unless such diversion is specifically directed by the War Production Board or unless the subsequently accepted order bears a rating of AAA.

(g) Necessity for preference ratings. No producer shall accept any purchase order for or make delivery of anti-friction bearings unless such order or delivery bears a preference rating of AA-5 or higher: Provided, That this restriction shall not apply to deliveries against purchase orders received prior to November 24, 1943 which bear a rating of A-10 or higher. Also, deliveries of anti-friction bearings produced in accordance with the provisions of Limitation Order L-158 or L-257 shall not be subject to this restriction.

(h) Limitation on inventories. No person shall accept delivery of any antifriction bearings of any type and size if his inventory of such type and size of bearings is, or will, by virtue of such acceptance, become greater than the quantity of such item he will be required by his current practices to put into use during the succeeding sixty-day period for production, construction, operating supplies, or maintenance, or repair, or greater than a minimum practicable working inventory thereof, whichever is smaller; Provided, however, That the deliveries of anti-friction bearings pursuant to the following designated types of purchase orders shall be permitted to effect such an increase:

(1) Purchase orders placed by any procurement agency of the United States pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(2) Purchase orders placed by the Army, Navy, or Maritime Commission for anti-friction bearings required for bases or supply depots outside the continental United States, or for bases or supply depots within the continental United States which are maintained for emergency purposes, or to supply such bases or supply depots outside the continental United States.

(3) Purchase orders placed by distributors for anti-friction bearings, which are intended to be used as re-

placement parts, as defined by paragraph (b) (1) of Limitation Order L-158: Provided, That in no event shall such distributor's inventory of such bearings exceed the quantities specified in paragraph (h) of Limitation Order L-158.

(4) Any other purchase order specifically excepted from this restriction by

the War Production Board.

(i) End use classification. (1) No producer shall schedule any purchase order or contract received after June 1, 1943, for production or delivery unless it contains

(1) An endorsement placed thereon by the purchaser pursuant to GMP Regulation 5 or 5A, or pursuant to an order of the P or U series, assigning preference rating assistance to a particular industry for maintenance, repair or operating supplies, or

(ii) The purchaser's allotment number placed thereon by the purchaser pursuant to CMP Regulation No. 3, or

(iii) In the case of Lend-Lease purchase orders or contracts, a statement of the foreign country for which the anti-friction bearings are purchased, or

(iv) In the case of any other purchase order or contract, if no allotment number or symbol has been assigned, a statement of the product into which such bearings are intended to be incorporated, if known to the purchaser.

(2) Producers are not required to secure any identification of end use with respect to any order placed prior to June 1, 1943, but may be required to report the product into which such bearings are intended to be incorporated, if known

to the producer.

(3) Except in the case of Lend-Lease orders, no producer shall schedule production or delivery of any contract or purchase order received after November 24, 1943 for more than one thousand anti-friction bearings unless it is accompanied by a statement of the percentage of such bearings, if any, which are spares; or if no spares are included in such a purchase order, the statement "No spares included." Spares are those bearings which the purchaser does not build into the end product being produced by him but which are delivered by such purchaser as extra bearings.

(!-1) Restrictions on disposal of excess bearings. (1) Notwithstanding the provisions of paragraph (b) of § 944.11 of Priorities Regulation No. 1, any person who has obtained anti-friction bearings with priorities assistance who no longer requires them for the purpose for which the priorities assistance was given, may dispose of them only in one of the following ways:

(i) The bearings may be redelivered to the person from whom they were obtained if such person is willing to accept redelivery; or

(ii) The bearings may be disposed of to fill any order rated AAA; or

- (iii) The bearings may be disposed of to fill any order rated AA-5 or higher placed by the Army, Navy, Maritime Commission, or War Shipping Administration, or by any prime or subcontractor of any of them; or
- (iv) If the quantity of bearings which he wishes to dispose of in any one calendar month had a total cost to him of \$250 or less, he may dispose of them to fill any order placed with him rated AA-5 or higher; or
- (v) If the quantity of bearings which he wishes to dispose of in any one calendar month had a total cost to him in excess of \$250 and if they are not being disposed of pursuant to subparagraphs (i-1) (1) (i), (ii), or (iii) above, he must apply to the War Production Board for permission to dispose of the bearings. Application for such permission shall be made by letter addressed to the Bearings Section, Tools Division, War Production Board, stating the quantity and size of the bearings to be disposed of, the person, if any, to whom he wishes to dispose of them, and the purpose for which the bearings will be used by such person.
- (2) Nothing contained herein shall release any person listed on Schedule A to War Production Board Directive No. 16, issued August 30, 1943, from complying with the restrictions on the transfer of certain ball bearings as there set forth.
- (i) Changes in schedules. Notwithstanding any other provision of this order, the War Production Board may direct or change any schedule of production or delivery of anti-friction bearings or component parts thereof, allocate any order for anti-friction bearings or component parts thereof to any other producer of anti-friction bearings or component parts thereof, or direct the delivery of any anti-friction bearings or component parts thereof, to any other person in accordance with prices and terms regularly established for sales by the supplying producer to such a purchaser.
- (k) Applicability of other orders and regulations. All transactions affected by this order are subject to applicable provisions of the regulations of the War Production Board, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.
- (1) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing

or using, material under priorities control, and may be deprived of priorities assistance.

(m) Reports. All producers affected by this order shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time prescribe.

(n) Appeals. Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, referring to the particular provision appealed from, and stating fully the grounds of the ap-

(o) Communications. All reports to be filed, appeals and other communications, concerning this order, should be addressed to: War Production Board. Tools Division, Washington 25, D. C. Ref: E-10.

Issued this 10th day of November 1943. WAR PRODUCTION BOARD, By J. Joseph Whelan, Recording Secretary.

[F. R. Doc. 43-18150; Filed, November 10, 1943; 11:34 a. m.]

Part 3286—Miscellaneous Minerals [Conservation Order M-199 as Amended Nov. 10, 1943]

#### SILVER

§ 3286.51 Conservation Order M-199—(a) Definitions. For the purposes

of this order:
(1) "Silver" means silver bullion, semi-fabricated forms of silver, silver scrap and other secondary forms of silver, and any alloy, compound, salt, or mixture containing more than one-half of one percent of silver by weight. The term does not include alloyed gold produced in accordance with U.S. Commercial Standards CS 51-35 and CS 67-38. The term also does not include finished silver products. Silver findings, including chain, are considered finished silver products. The following items, as well as all other primary and semi-fabricated forms and partially fabricated parts, containing more than 1/2 of 1 per cent of silver by weight, are not considered finished silver products but are considered silver: ingots, bars, rods, shot, grain, leaf, powder, sheet, wire, strip, tubing, circles, anodes, salts, compounds, mixtures, brazing alloys, and solders. Silver salts, compounds, or mixtures, which are prepared for sale at retail for the personal use of the purchaser and not for use in the manufacture of a product or in a process for commercial sale, are considered finished silver prod-

(2) "Domestic silver" means any silver which has been produced since July 1, 1939, from mines situated inside of the territorial limits of the United States, its territories and possessions.

(3) "Treasury silver" means any silver which has been held or owned by the United States and has been sold pursuant to the provisions of Public Law

137, approved July 12, 1943.
(4) "Foreign silver" means any silver except that which is either domestic silver or Treasury silver. Scrap generated by manufacturers from the process-

ing of domestic silver or Treasury silver shall also be considered to be foreign silver if it does not remain in the ownership of the manufacturer whose processing operations produced it: Provided, however, That domestic silver scrap or Treasury silver scrap produced by suppliers in semi-fabricating operations may be sold by such suppliers to manufacturers as domestic silver casting metal or Treasury silver casting metal.

(5) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(6) "Manufacturer" means any person who uses silver by incorporating it physically in the finished products or parts thereof which he manufactures or who uses or consumes silver in any manufacturing, testing, laboratory, plating, or repairing process. The term shall include any person who furnishes silver to a manufacturer under toll agreement to be processed and returned in semi-processed or finished form.

(7) "Supplier" means any person regularly engaged in the business of importing, smelting, or refining silver, or in the business of selling silver to manufacturers and other suppliers. The term includes any person who may import, smelt, or refine silver for his own use as a manufacturer.

(8) "Put into process" means the first change by the manufacturer in the form of the material from that form in which it was received by him. Putting into process does not include minor initial operations such as marking and does not include any alloying, shearing, cutting, trimming, or other operation unless such initial operations are part of a continuous fabricating or assembling operation. Nor does it include operations such as inspection and testing, nor segregation or earmarking for a specific job or operation. The term also does not include the reclaiming and reforming of scrap.

(9) "Process" means cut, draw, machine, stamp, melt, mix, compound, cast, forge, roll, turn, spin, or otherwise shape or change in form or chemical composition. It also means assemble. The term does not include sand-bobbing, buffing, or polishing an assembled article.

(10) The term "assemble" shall not be deemed to include the putting to-gether of an article after delivery to a sales outlet or consumer in knock-down form pursuant to an established custom. The term "assemble" shall also not be deemed to include adding finished parts to an otherwise finished article when the placing of one or more finished parts or the size or type of one or more finished parts is determined by the use to which the ultimate consumer is to put the article. In all other cases, the term "as-

semble" shall be deemed to include adding parts, whether of silver or of any other material, to an article of silver, where such article is not deemed complete and ready for immediate sale or use until such parts have been added, including adding gems, stones, or glass jewels or beads to articles or parts of silver, and adding brushes, combs, knives, forks, or other utensils to backs or handles of silver.

(11) The term "deliver" shall not be deemed to include a redelivery of silver to the owner thereof, who is a manufacturer, by a person to whom such owner delivered such silver to be alloyed or processed and returned to such owner for further processing; nor does it include the delivery under the same circumstances by the owner to the person who alloys or processes the silver for the

(12) The term "accept delivery" shall not be deemed to include acceptance of delivery of silver by the owner thereof, who is a manufacturer, from a person to whom such owner delivered such silver to be alloyed or processed and returned to such owner for further processing; nor does it include acceptance of delivery under the same circumstances from the owner by the person who alloys or processes the silver for the owner.

(b) Restrictions upon sale or delivery of silver by suppliers. (1) No supplier shall sell or deliver any kind of silver (foreign, Treasury, or domestic) except

(i) Another supplier; or

(ii) A manufacturer; or (iii) The United States; or

(iv) Metals Reserve Company or any other corporation organized under section (5) (d) of the Reconstruction Finance Corporation Act as amended.

(2) No supplier shall sell or deliver foreign silver to a manufacturer except to fill orders for uses on List A.

(3) No supplier shall sell or deliver Treasury silver to a manufacturer except to fill orders for uses on List C.

(4) No supplier shall sell or deliver any kind of silver (foreign, Treasury, or domestic) to any person if he knows or has reason to believe such silver is to be received or used in violation of the terms of this order.

(c) Restrictions upon sale or delivery of silver by manufacturers. No manufacturer shall sell or deliver any kind of silver (foreign, Treasury, or domestic)

except to:

(1) A supplier; or

(2) The United States; or

(3) Metals Reserve Company or any other corporation organized under section (5) (d) of the Reconstruction Finance Corporation Act as amended.

(d) Restrictions upon purchase, acceptance of delivery, and processing of foreign silver by manufacturers.

(1) Uses on List A. On and after July 29, 1943, no manufacturer shall purchase, accept delivery of, put into process, or process any foreign silver for any use other than a use on List A.

(2) Temporary exception. Notwithstanding the foregoing provisions of this paragraph (d), a manufacturer may continue the processing of any foreign sil-

ver which on July 29, 1943, he had already put into process for any use on List B to fill orders rated A-1-a or higher; also, a manufacturer may put into process and process to completion for a List C use any foreign silver owned by him on July 29, 1943, and he may complete the processing of any foreign silver already put into process by him on such date for any such use: Provided, That on and after September 6, 1943, no manufacturer may put into process any foreign silver in the manufacture of brazing alloys or solders, but he may complete the processing of any foreign silver already put into process by him on September 6, 1943, for any such use.

(e) Restrictions upon purchase, acceptance of delivery, and processing of Treasury silver by manufacturers. No manufacturer shall purchase, accept delivery of, put into process, or process Treasury silver except for a use on List C.

(f) Authorization to purchase Treasury silver from the United States. Purchases of Treasury silver from the United States pursuant to Public Law 137, approved July 12, 1943, shall be made only upon specific authorization of the War Production Board. Any supplier or manufacturer desiring such authorization may apply by letter to the War Production Board, Miscellaneous Minerals Division, Washington 25, D. C., Reference: M-199, not later than the 15th day of the month preceding the month in which delivery of the Treasury silver is desired. In such letter the applicant, in addition to other pertinent information, shall state the nature of his business and the intended use of the silver in terms of the uses specified on List C.

(g) (1) Restrictions upon the purchase, acceptance of delivery, and processing of domestic silver for List B uses. In any calendar quarter after July 1, 1943, until further notice, no manufacturer shall purchase, accept delivery of, or put into process domestic silver for uses on List B.in excess of 1/8 of the aggregate amount by weight of all silver (foreign and domestic), computed on the basis of the fine silver content thereof in troy ounces, put into process by such manufacturer for List B uses during the calendar year 1941 or the calendar year 1942, whichever year is the greater: Provided, however, That such manufacturer, in computing his quota of domestic silver under the foregoing provision, shall deduct from the said aggregate amount put into process by him for List B uses for the year 1941 or 1942, as the case may be, the aggregate amount by weight of silver (fine silver content, troy ounces) put into process by him in such year for List B uses to fill orders rated A-3 or higher, and the aggregate amount by weight (fine silver content, troy ounces) of sales made by him in such year of silver scrap or silver waste material resulting from

the processing of silver for List B uses, exclusive of orders rated A-3 or higher.

(2) Quota restrictions under agreements. In any case where prior to January 1, 1943, a manufacturer furnished silver to another manufacturer under toll agreement to be processed and returned in semi-processed or finished form, the manufacturer who furnished the silver, and not the manufacturer who did the processing under toll agreement, shall be considered, for the purpose of computation of domestic silver quotas under the provisions of paragraph (g) (1), as having put into process the silver involved. On and after November 10, 1943, where one person furnishes silver to another under toll agreement to be processed and returned, the same considerations shall apply in determining whose quota should be charged as between the person who furnishes the silver and the one who processes it: that is, the quota of the person who furnishes the silver shall be charged and not that of the toll processor.

(3) Assignability of quotas. Domestic silver quotas may not be assigned except as provided in § 944.28, Priorities Regulation No. 7A.

(4) No quota restrictions on domestic silver for other than List B uses. A manufacturer may purchase, accept delivery of, put into process, and process domestic silver without regard to the quota limitations of paragraph (g) (1) for any use on List A, any use on List C, or any unlisted use.

(h) Special exception as to domestic silver. The restrictions of this order as to the purchase, acceptance of delivery, and processing of domestic silver for List B uses shall not apply to any manufacturer:

(1) Who manufactures jewelry by the use of hand tools exclusively (that is, without the use of dies, jigs, or molds or any mechanical apparatus whatsoever, such as mechanically operated spinning or turning wheels, or lathes, presses, grinders, or cutters, whether operated by hand, foot, or other power); or

(2) Who meets each and all of the

following requirements:

(1) He was engaged in the silver manufacturing business throughout the year

(ii) His gross receipts in the year 1941 from the sale of silver products did not exceed \$25,000;

(III) He continues to engage in the silver manufacturing business, and to have at all times not more than five persons at one time, excluding all clerical employees, working in such business, each of which persons is either over the age of 50 years or is physically incapacitated from performing ordinary factory labor; and

(iv) His gross sales of silver products for the calendar year 1943 and for each calendar year thereafter do not exceed

\$35,000 per year.

For a manufacturer to be engaged in the "silver manufacturing business" as the term is used in paragraph (h) (2), at least 75% of the gross receipts of such manufacturer in the year 1941 and succeeding years from products of all kinds sold by him (including products sold but not manufactured by him) shall have been derived from the sale of silver products manufactured by him. A silver product is one in which silver is physically incorporated and in which the amount of contained silver is greater either in weight or in value than any other single material, excluding precious or semi-precious stones, contained in such products.

(i) Special directions as to distribution of foreign, Treasury, and domestic From time to time the War Production Board may issue special directions to individual suppliers and manufacturers, specifying the sources, destinations, and amounts of silver (foreign, Treasury, or domestic) to be delivered or acquired by them.

(j) Restrictions on holding of scrap silver. (1) No manufacturer shall purchase or accept delivery of silver of any kind (foreign, domestic, or Treasury) if he has on hand more than a thirty days' accumulation of scrap silver, exclusive of wastes, such as mirror wastes, polishings, and sweepings, whether foreign, Treasury, or domestic, or any combination thereof, unless such accumulation aggregates less than 1,000 ounces, fine silver content.

(2) No manufacturer shall have scrap melted, reformed, and redelivered to him under toll agreement if by such redelivery his inventory of silver will be in excess of a minimum practicable working inventory, taking into consideration the orders on his books requiring use of silver and the limitations placed upon the

use of silver by this order.

(k) Fungibility of silver stocks recognized. Although this order deals with three kinds of silver (foreign, Treasury, and domestic) which are separately defined, and imposes restrictions which vary in their application as among these kinds of silver, it is recognized that all three kinds of silver are physically identical. Accordingly, nothing in this order shall be deemed to require any person holding two or more kinds of silver to keep the various kinds physically segregated. It is also understood that a person who holds only one kind of silver at a particular moment may be called upon to deliver or to use another kind of silver. In such cases, the person holding the one kind of silver may change part or all of his stock of such silver to silver of another kind simply by selling part of his stock to a supplier, ordering an equivalent amount, silver content, of the different kind of silver required for his purposes and paying or receiving the difference in price. For the purposes of this order, physical delivery to the supplier of the silver being sold and physical delivery by the supplier of the different kind of silver being purchased are not required in order to change the character of the silver involved from the kind in stock to the kind being purchased. The form of the silver can also be disre-

garded. For example, a manufacturer with partially processed stocks of foreign silver which he cannot finish for List B uses under the restrictions of the order, can purchase domestic silver bars having a silver content equal to the silver content of the partially processed silver, sell those same bars back to the supplier as foreign silver, pay the difference in price, and then consider that the partially processed silver is domestic silver and may be further processed for List B uses as permitted by the order. Any purchasing or processing of domestic silver under the provisions of this paragraph for uses on List B must, however, be within the quota limitations of paragraph (g) hereof. Furthermore, at no time shall any person sell silver of any kind in excess of the amount of silver of that kind, fine silver content, owned by him. For the purposes of this order, silver owned by a person shall be deemed to include, in the case of suppliers only, silver which such supplier has contracted to purchase under a firm written contract calling for the delivery of a specific amount of silver of a specific kind within a specific period, not exceeding five months from the date of the contract.

(1) Use certificate. No supplier shall deliver any silver (foreign, Treasury, or domestic) to any manufacturer, and no manufacturer shall accept delivery of any silver from any supplier, unless the manufacturer shall have furnished the supplier with a certificate specifying the end use of such silver in terms of the uses specified on List A, List B, and List C. Such certificate may be placed on or attached to the purchase order, and shall be in substantially the following form, signed manually or as provided in Priorities Regulation No. 7:

Pursuant to Conservation Order M-199, the undersigned hereby certifies to the supplier and the War Production Board that the silver covered by the accompanying order (and all silver purchased from the supplier under orders placed in the future) shall be used solely for the following purposes:

(Name of purchaser) Date\_\_\_\_\_By\_\_

(Signature and title of duly authorized officer)

In appropriate cases one certificate may cover the use of silver to be delivered under orders to be placed with such supplier in the future. Such certificate shall constitute a representation to, but shall not be filed with, the War Production Board. The supplier shall be entitled to rely on such representation, unless he knows or has reason to believe it to be

Exceptions—(1) United States (m) Government. None of the restrictions in this order as to sale, purchase, delivery, acceptance of delivery, or use of silver shall be applicable to the United States Government or any of its departments or agencies: Provided, however, This exception shall not be deemed to extend to a manufacturer who manufactures items for delivery to or for the account of the United States Government or any of its .

departments or agencies. An item is not deemed removed from the list of restricted uses simply because it is to be manufactured for delivery to or for the account of the United States Government or any of its departments or agencies.

(2) Repair. The restrictions of this order as to the putting into process and the processing of foreign, Treasury, or domestic silver shall not apply to a person repairing a used article on or off the premises of the owner, if the person making the repair does not use silver weighing in the aggregate more than 3 ounces and if any putting into process or processing done by such person is for the purpose of making the specific repair. The term "repair" as used in this paragraph shall include the replating of used articles, provided the article was originally made of silver or silver-plated material.

(n) Limitations of inventories. No manufacturer shall accept delivery of silver, in the form of raw materials, semiprocessed materials, finished parts, or sub-assemblies, nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of raw, semi-processed, or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the use of silver by this order.

(o) Reports. Each supplier and each manufacturer and every other person affected by this order shall file such reports as may be requested from time to time by the War Production Board, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(p) Miscellaneous provisions—(1) Appeals. Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from, and stating fully the grounds of the appeal.

(2) Applicability of order. The prohibitions and restrictions contained in this order as to foreign silver shall apply to the use of such material in all items manufactured after July 29, 1942, irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to July 29, 1942. The prohibitions and restrictions contained in this order as to domestic silver shall apply to the use of such material in all items manufactured after February 25, 1943, irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to February 25, 1943. The prohibitions and restrictions contained in this order as to Treasury silver shall apply to the use of such material in all items manufactured on or after July 29, 1943, irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to July 29, 1943. In so far as any other order of the War Production Board may have the effect of limiting or curtailing to a greater extent than herein provided, the use of foreign, Treasury, or domestic silver in the production of any item, the limitations of such other order shall be observed.

(3) Applicability of regulations. This order and all transactions affected hereby are subject to all applicable provisions of War Production Board regulations as amended from time to time.

- (4) Communications to War Production Board. All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Division, Washington 25, D. C. Ref: M-199
- (5) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 10th day of November 1943.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,

Recording Secretary.

List A: Permitted uses of foreign silver under Conservation Order M-199—these are the only uses permitted for foreign silver; domestic silver is also permitted for these uses without limit; Treasury silver (except in the form of brazing alloys or solders) is not permitted at all for these uses:

- 1. Manufacture of medicines and health sumplies.
- 2. Manufacture of photographic film, photographic papers, and photographic chemicals, and use in any photographic process.
- Manufacture of electrical contacts and other silver products or parts used for electrical current carrying purposes.
- 4. Manufacture of any product or use in any process to fill orders bearing a preference rating of AA-5 or higher, except uses on List B or List C.
- 5. Use of brazing alloys or solders manufactured of foreign silver prior to July 29, 1943, or manufactured since that date pursuant to the temporary exception set forth in paragraph (d) (2), for any purpose except a use on List B.
- 6. Use by a laboratory. "Laboratory" means any person engaged in the business of carrying on scientific or technological investigation, testing, development or experimentation, to the extent that he is so engaged. The term includes research laboratories, production control laboratories, testing laboratories, analytical laboratories, clinical laboratories, and instructional laboratories. It does not include any person to the extent that he is engaged in the manufacture of products for commercial sale, even though the place in which the products are manufactured may be called a laboratory.

List B: Restricted uses of silver under Conservation Order M-199—regardless of rated orders, only domestic silver is permitted for these uses and then only within the quota limitations of paragraph (g) (1); foreign silver and Treasury silver are not permitted at all for these uses:

- 1. Manufacture of silverware, including, without limitation, knives, forks, spoons, plates, platters, dishes, pitchers, vaces, cups, candlesticks, and all other kinds of flatvare and hollow ware and table, kitchen, and decorative utensils and objects, including silver deposit china or glassware, except glass liners or fillers for vacuum jugs and bottles.
- 2. Manufacture of watch cases and jewelry, including, without limitation, costume jewelry, blackout jewelry, and other articles of personal adornment, except push-pins for wrist watches. The term jewelry also includes personal accessories of all kinds such as bags, compacts, vanity cases, cigarette cases, cigarette holders, lighters, souvenirs, cuff links, pins, and clasps.
- 3. Manufacture of articles of identification, including discs, chains, and cords, and emblems, badges, and insignin other than official articles. What is meant by "official articles" is set forth in item 2 of List C.
- 4. Manufacture of church goods as defined in General Limitation Order L-138.
- 5. Manufacture of slide fasteners, hooks and eyes, snaps, buttons, clips (except for fountain pens and mechanical pencils), buckles, and fasteners of every description.

  6. Manufacture of closures for containers.
- 6. Manufacture of closures for containers. 7. Manufacture of pens and pencils, except the nibs, interior tubes, filling mechanisms, clips, and reinforcing cap-rings or bands of fountain pens, and the tips, interior operating mechanisms, clips, and reinforcing bands of mechanical pencils.
- 8. Manufacture of tollet articles and picture frames.
- Manufacture of musical instruments, except strings for stringed instruments.
- 10. Electroplating not necessary for operational purposes, except for use in the manufacture and repair of dental, surgical, veterinary, and optical (including spectacle frames) instruments, appliances, and equipment.
- 11. Manufacture of findings, including chain, for any List B use.
- List C: Permitted uses of Treasury silver under Conservation Order L1-199—these are the only uses permitted for Treasury silver; domestic silver without regard to quota limitations of paragraph (g) (1) is also permitted for these uses; foreign silver (except as temporarily permitted under paragraph (d) (2) is not permitted at all for these uses:
- 1. Manufacture of bearing material, bearings, and parts of bearing assemblies.
- 2. Manufacture of official articles. The term "official articles" means:
- (a) Metallic insignia designating rank, branch of service, and "U. S." manufactured in accordance with official regulations on approved orders or contracts;
- (b) Embroidered insignia, lace, stripes, or braid manufactured in accordance with official regulations, on approved orders or contracts, or on orders or contracts placed by producers of officers' uniforms, as the term "producer" is defined in Preference Rating Order P-131, as amended, for use as provided in P-131; and
- (c) Decorations, medals, badges, and qualification bars (including jump rings) manufactured in accordance with official regulations, on approved orders or contracts bearing preference ratings of AA-S or higher. For the purposes of this item 2 of List C, the term "approved orders or contracts" means orders or contracts for:

- (i) War Department, placed by the Quartermaster General;
- (ii) Navy Department, on Navy orders or contracts, or on orders or contracts placed by Ship's Service Stores, Naval Uniform Service, Inc., or Women's Naval Uniforms, Inc., or by such other outlets as the War Production Board shall specify from time to time under Limitation Order L-131 at the request of the Bureau of Supplies and Accounts of the Navy Department.
- (iii) U. S. Marine Corps, placed by the Headquarters Exchange Officer of the United States Marine Corps or by Marine Corps Post Exchanges, when authenticated by the Headquarters Exchange Officer;
- (iv) Coast Guard, placed by the Coast Guard Supply Depot;
- (v) U.S. Coast and Geodetic Survey, placed by the Director of the U.S. Coast and Geodetic Survey or by the Division of Purchases and Sales of the Department of Commerce;
- (vi) U. S. Public Health Service, placed by the U. S. Service Exchange of the U. S. Public Health Service;
- (vii) The War Shipping Administration, placed by the Chief Procurement Officer of the Training Organization of the War Shipping Administration.
  - 3. Manufacture of brazing alloys.
  - 4. Manufacture of solders.
- 5. Use of brazing alloys or solders manufactured of Treasury silver for any purpose except a use on List B.
  - 6. [Deleted Nov. 10, 1943]

[F. R. Doc. 43-18145; Filed, November 10, 1943; 11:35 a. m.]

PART 3286—MISCELLANEOUS MATERIALS [Interpretation 1 as Amended Nov. 10, 1943, to Conservation Order LI-193]

The following interpretation is issued with respect to Conservation Order M-199.

Conservation Order M-189 imposes certain quota ilmitations upon the amount of domestic aliver which a manufacturer may put into process for List B uses. In many silver manufacturing processes, a manufacturer starts with a certain amount of silver in primary chapes and ends the operation with a large part of such silver in the form of ccrap. It is customary for the manufacturer in these cases to have this scrap melted, rolled, or otherwise processed so as to return it to a primary shape in which it can again be subjected to manufacturing processes. This reforming of the silver scrap in some instances is done by the manufacturer himself, in other instances the work is done by others under toll agreement. The question has been presented under these quota limitations as to whether the processing of this reformed ccrap must be considered as coming within this meaning of the term "put into process" or whether such processing of reformed scrap shall be considered as only the continuation of a processing operation which began when the manufacturer processed for the first time in any form for a List B use the specific amount of alver from which such scrap was produced.

It is hereby determined that for the purposes of the quota limitations of Order M-199, the term "put into process" shall be deemed to cover only the manufacturer's first processing for a List B use of a given

amount of silver. It shall not be deemed to cover the subsequent processing of reformed scrap produced therefrom, whether such reforming is done by the manufacturer him-self or by others for him under toll agree-ment. The term shall be deemed to cover, however, the first processing for a List B use of reformed scrap which was produced from putting silver into process for a use which is not on List B.

This interpretation supersedes Interpreta-tion 1 of Conservation Order M-199 issued

September 1, 1942.

Issued this 10th day of November 1943. WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 43-18146; Filed, November 10, 1943; 11:35 a. m.]

PART 3286-MISCELLANEOUS MINERALS [Interpretation 2 of Conservation Order M-199]

The following interpretation is issued with respect to Conservation Order

(a) It is customary for many silver manufacturers to ship the scrap they produce to a supplier under toll agreement for reforming and return. As suppliers and manufac-turers are bound by the restrictions of the order as to the amount of silver, foreign, domestic, and Treasury, they may sell, pur-chase, deliver, and accept delivery of, for the various uses listed in the order, and as these toll transactions are in effect excepted from such restrictions, it is important that the amount of silver shipped by the supplier, which purports to be the return of silver reclaimed from the scrap, have a real relation to the amount of scrap sent in by the manufacturer. However, much time would be lost if the supplier were required to wait until he has reclaimed, refined, and reformed the scrap before returning anything to the manufacturer.

Accordingly, it is hereby determined that a supplier may ship the estimated silver content of the scrap to a manufacturer immediately upon his receipt of the scrap, without waiting for the scrap to be reclaimed, re-fined, and reformed. Furthermore, it is rec-ognized that in cases where a manufacturer makes frequent shipments of scrap to a supplier, it is impossible as a practical matter for the supplier to know at all times that he has not shipped to that manufacturer more silver than the silver content of the scrap the manufacturer has shipped to him. In such cases it will be sufficient if the supplier will check his accounts at least once every 30 days and make sure that his total shipments of silver to any such manufacturer against scrap received have not exceeded the silver content of the scrap received from such manufac-

(b) Under the provisions of paragraph (m) (1), the United States Government, its departments and agencies are excepted from the restrictions of the order as to the sale, purchase, delivery, acceptance of delivery, and use of silver. This exception applies to the requirements of paragraph (1) dealing with the "use certificate." Such certificate is not required in the case of silver deliveries by a supplier to the United States Government or one of its departments or agencies.

In this same connection, a question has been raised as to whether or not this excep-tion will permit brazing alloys and solders ordered by the Government or one of its de-

partments or agencies to be made out of foreign silver contrary to the restrictions of paragraph (d). This exception is designed to relieve only the Government from the restrictions of the order—not the persons who manufacture items for delivery to the Government. Hence manufacturers of brazing alloys and solders are not relieved from the restrictions of paragraph (d) even though such alloys and solders are to be delivered to the Government.

Issued this 10th day of November 1943. WAR PRODUCTION BOARD. By J. JOSEPH WHELAN, Recording Secretary,

[F. R. Doc. 43-18147; Filed, November 10, 1943; 11:34 a. m.]

Chapter XI-Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,1 Amdt. 81]

#### PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Section 23.3 is amended by redesignating the present paragraph (c) to (d). the present paragraph (b) to (c), and adding a new paragraph (b) to read as follows:

(b) Any person who transfers processed foods to any of the activities enumerated in paragraph (a) must, at or before the time of delivery, submit to it an invoice or other statement for the points payable on account of the transfer. The ration check must be sent to the transferor by the time of delivery or as soon as practicable thereafter.

This amendment shall become effective November 12, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 8th day of November 1943.

CHESTER BOWLES. Acting Administrator,

[F. R. Doc. 43-18118; Filed, November 9, 1943; . 1:14 p. m.]

PART 1407-RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,2 Amdt. 79]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Section 22.3 is amended by redesignating the present paragraph (c) to (d), the present paragraph (b) to (c), and adding a new paragraph (b) to read as follows:

(b) Any person who transfers foods covered by this order to any of the activities enumerated in paragraph (a) must, at or before the time of delivery, submit to it an invoice or other statement for the points payable on account of the transfer. The ration check must be sent to the transferor by the time of delivery or as soon as practicable thereafter.

This amendment shall become effective November 12, 1943.

(Pub. Law 671, 78th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 8th day of November 1943. CHESTER BOWLES, Acting Administrator.

[F. R. Doc. 43-18115; Filed, November 9, 1949; 1:14 p. m.]

Part 1432—Rationing of Consumers' DURABLE GOODS

[RO 9A, Amdt. 3 to Supp. 11]

#### STOVES

Supplement 1 to Ration Order 9A is amended in the following respect: Section 1432.69 (b) (3) is added as

follows:

- (3) Additional heating and cooking stoves in Region VIII—(1) General. A dealer or distributor located in the area covered by Table II (set forth in subdivision (ii) of this subparagraph (3)) may, upon application therefor made to his board, obtain an increase in allowable inventory in an amount equal to the allowable inventory of each type of stove granted him on registration multiplied by the percentage, for that type shown in Table II. However, he may not obtain this increase for any types for which his allowable inventory was previously increased as a result of an application for adjustment or relief, under section 3.8, unless:
- (a) The previous increase was less than the increase specified in Table II: in that event he shall receive the difference between the previous increase and the increase authorized by this subparagraph;
- (b) At the time the previous increase was granted, the Washington Office directed that he should not, because of the increase given him, be precluded from receiving the benefit of any subsequent general increase in allowable inventory for such types.

(ii) Table II. The table referred to in subdivision (i) of this subparagraph (3) is as follows:

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>&</sup>lt;sup>1</sup>8 F.R. 11048, 11383, 11483, 11513, 11753, 11812, 12026, 12297, 12312, 12446, 12485, 12548, 12560, 12693, 13301, 13492, 13980.

<sup>38</sup> F.R. 13128, 13394, 13980.

<sup>&</sup>lt;sup>1</sup>8 F.R. 11586, 13024, 14620. \*8 F.R. 11564, 12749, 13060, 14049.

PEECENTAGE INCHEASES IN ALLOWABLE INVENTORIES GRANTED ON REGISTRATION IN REGION VIII

District in	Heati follo	ng sto wing t	ves of TPES		ing sto wing t	
Region VIII	wood Coaj	Oil	Gas	Coal or wood	OII	Gas
Fresno_ Los Angeles_ Phoenix_ Portland Reno_ Sacramento_ San Diego_ San Francisco_ Seattle_ Spokane	Per- cent 0 0 0 0 100 100 100 150 150	Per- cent 200 100 100 100 200 150 150 200 150	Per- cent 100 100 50 100 400 100 50 100 100 100	Per-cent 0 0 0 8 5 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 15 18 0 0 0 0 15 18 0 0 0 0 15 18 0 0 0 0 0 15 18 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	Per- cent 100 50 100 100 50 100 50 100	Per- cent 100 150 50 100 100 150 150 100

This amendment shall become effective November 8, 1943.

(Pub. Laws 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Laws 421 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562, and Supp. Dir. 1-S, 8 F.R. 6018)

Issued this 8th day of November 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-18117; Filed, November 9, 1943; 1:14 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PROD-UCTS, PRINTING AND PUBLISHING

[MPR 484]

UNWASHED AND WASHED WIPING CLOTHS

Correction

In F.R. Doc. 16946, appearing on page 14220 of the issue for Wednesday, October 20, 1943, the following corrections should be made:

In Appendix B paragraph (a) (1), the caption of the fifth entry in the table should read: "Washed trimmed blue overall wiving cloths."

In paragraph (a) (2) (ii) the first entry in the table should read:

50 lb. or more\_\_\_\_\_ 434

PART 1351—FOOD AND FOOD PRODUCTS
[MPR 289, Amdt. 14]

DAIRY PRODUCTS

Correction

In F.R. Doc. 17026, appearing on page 14312 of the issue for Thursday, October 21, 1943, the figure opposite "In Zone D" under the column headed "Roller process (cents per lb.)" in the table under the amendatory paragraph 1 should read "13¼".

PART 1394—RATIONING OF FUEL AND FUEL
PRODUCTS

[RO 5C, Amdt. 82]

MILEAGE RATIONING; GASOLINE REGULATIONS

Correction

In F.R. Doc. 17195, appearing on page 14474 of the issue for Tuesday, October

26, 1943, the effective date in the last paragraph should be October 22, 1943.

# PART 1305-ADMINISTRATION

[Gen. RO 8,1 Amdt. 3]

GENERAL PROHIBITIONS AND PENALTIES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

General Ration Order 8 is amended in

the following respects:

1. Section 2.4 is amended to read as follows:

Sec. 2.4 Counterfeiling or forging ration document. (a) No person shall counterfeit or forge a ration document.

(b) No person shall use any plate, impression or device used or intended for use in the printing or making of any ration document or permit the same to be used except for the United States by order of the proper officer thereof.

(c) No person shall make, assist in making or cause to be made any plate, impression or device for the purpose of reproducing ration documents, except for the United States by order of the proper officer thereof.

Section 2.17 is added to read as follows:

Sec. 2.17 Reproduction of ration documents. (a) No person shall reproduce, cause to be reproduced or aid in the reproduction of any ration document except as provided in paragraphs (b) and (c) hereof.

(b) Authority to make, hold, dispose of and use reproductions of any ration document may be given by the Price Administrator or other proper officer of the United States.

(c) Authority is hereby given to make, hold, dispose of and use illustrations of ration documents for the purpose of disseminating information relating to a rationing program or of advertising a rationed commodity: Provided, That the illustrations are in black and white only, and are of a size less than 34 or more than 1½ in linear dimension, of each part of the document.

3. Section 2.18 is added to read as

Sec. 2.18 Possession or use of distinctive safety paper. No person shall have or retain in his control or possession nor shall he use, permit or aid in the use of any distinctive safety paper of a kind used for any ration document except under authority of the Price Administrator or other proper officer of the United States.

Effective date. This amendment shall become effective November 13, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, 507 and 729, 77th

\*Copies may be obtained from the Office of Price Administration.

18 F.R. 3783, 5677, 9626.

Cong.; E.O. 9125, 7 FR. 2719; E.O. 9334, 8 FR. 5423; WPB Dir. 1, 7 FR. 562; Sec. of Agr. Food Dir. 3, 8 FR. 2005, Food Dir. 5, 8 FR. 2251, Food Dir. 6, 8 FR. 3471, Food Dir. 7, 8 FR. 3471, Food Dir. 8, 8 FR. 7093)

Issued this 9th day of November 1943.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 43-18126; Filed, November 9, 1943; 4:57 p. m.]

PART 1340—FUEL [MPR 120,1 Amdt. 71]

BITULIINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of Federal Register.\*

Maximum Price Regulation No. 120 is amended in the following respect:

Section 1340.209 is added to read as follows:

§ 1340.209 Provision for specific ceiling prices. In establishing prices for coals by an area ceiling order or where prices have been established by such an order issued under § 1340.260 of Revised Maximum Price Regulation No. 1222 the Office of Price Administration or any regional office thereof may also establish maximum area prices for deliveries of coal made subject to this regulation from a mine or adjunct preparation plant to consumers in the same area and also for services in connection with the preparation of such coals and their delivery. The prices so established may be the same prices as are provided for similar deliveries made subject to Revised Maximum Price Regulation No. 122 or they may be such as will avoid diversions of supply which would disrupt an orderly pattern of distribution of coals in that area and areas nearby.

This amendment shall become effective November 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of November 1943.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 43-18122; Filed, November 9, 1943; 4:58 p. m.]

<sup>17</sup> P.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827 5835, 6163, 6218, 6265, 6272, 6472, 6325, 6524 6744, 6893, 7777, 7670, 7914, 7942, 8354, 8550, 8948, 6783, 10470, 10581, 10780, 10993, 11003, 11012; 8 P.R. 926, 1383, 1629, 1679, 1747, 1971, 2023, 2030, 2273, 2224, 2501, 2497, 2713, 2273, 2920, 2921, 2937, 3216, 3855, 4258, 4717, 4785, 5477, 6443, 7200, 8504, 9018, 10936, 11608 11689, 11755, 12659, 12557, 12933, 12934, 13175, 13293, 13706, 14009.

<sup>&</sup>lt;sup>2</sup>8 F.R. 440, 1200, 3524, 4510, 5652, 6543, 7198, 8179, 8754, 10338, 11143, 11630, 12659.

PART 1340-FUEL

[MPR 120,1 Amdt. 72] ·

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of Federal Register.\*

In § 1340.207, paragraphs (c) (1) and (2) are redesignated (d) (1) and (2); paragraph (d) is redesignated paragraph (e) and a new paragraph (c) is added to read as follows:

(c) The Office of Price Administration or any regional office thereof after clearance with the Solid Fuels Branch in Washington, D. C., may adjust any maximum price established under this regulation for bituminous coal in the case of any producer with a capacity of less than 50 tons a day or group of such producers when it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of bituminous coal which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war;

and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such producer and of like producers for such bituminous coal; and

(3) That such adjustment will not create or tend to create a shortage or a need for increase in prices in another locality and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

This amendment shall become effective November 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of November 1943.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 43-18123; Filed, November 9, 1943; 4:57 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PROD-UCTS, PRINTING AND PUBLISHING

[MPR 225,2 Amdt. 8]

PRINTING AND PRINTED PAPER COMMODITIES

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith

\*Copies may be obtained from the Office of Price Administration.

28 F.R. 4181, 7382, 10983, 12660.

and has been filed with the Division of the Federal Register.\*

Section 1347.452 is amended by adding at the end thereof the following proviso:

Provided, however, That if the cost to the seller of the paper used in said commodity or service has increased over the cost of the paper to him in March 1942 by reason of the light weight differentials permitted by Maximum Price Regulation 450, Writing Paper and Certain Other Fine Papers, and Maximum Price Regulation 451, Book Papers, then the seller may add to his maximum price established under the foregoing provisions of this section the amount of such increase, either by a change in price, or by a decrease in sheet count, whichever he shall elect. For the purpose of this section the term "light weight differentials" shall include the difference in price between 16 lb. and 20 lb. paper specified in Maximum Price Regulation 450. The seller shall specify separately on his invoice the amount of the price increase or the sheet count decrease, whichever shall be applicable.

This amendment shall become effective November 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of November 1943.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 43-18127; Filed, November 9, 1943; 4:56 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[MPR 452,1 Amdt. 2]

MANUFACTURERS' MAXIMUM PRICES FOR AUTOMOTIVE PARTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 452 is amended in the following respects:

- 1. Section 1 (b) (1) is amended to read as follows:
- (1) Manufacturer. "Manufacturer" as used in this regulation means a regular producer of new automotive parts (as defined in section 21), a rebuilder of used automotive parts, or any person who sells parts under his own trade name or parts numbers and who issues to the automotive trade catalogs or price lists containing suggested resale prices for such parts.
- 2. Section 1 (c) (1) is amended by inserting after the phrase "of automobiles, trucks, busses, trailers, semi-trailers, and motorcycles" and before the phrase "and also include", the phrase "(except rebuilt bodies of trucks, busses, trailers, and semi-trailers)".
- 3. Section 2 (a) is amended by the addition of the phrase "and (d)" to the end of the section.

- 4. Section 5 (a) is amended to read as follows:
- (a) Sales of parts at list prices. "List price" as used in this regulation means the price for a manufacturer's sale of a part which may be derived from a price list or price sheet published and generally distributed to the trade by him. When a list price is named in this regulation as the maximum price to a purchaser, it means the price adjusted for all applicable extra charges, discounts or allowances for sales to a purchaser of the same class.
- 5. Section 6 (b) (1) (i) is amended to read as follows:
- (i) A new list price must be established in accordance with section 9 for a part for which the list price is the maximum price when a specification change or material substitution made in the part reduces by 10% or more the factory cost or purchase cost (where the manufacturer is only a reseller of the part), except where the reduction in cost for the part or set (where the part is sold in sets) amounts to less than five cents. The new list price must be established within three months from the date the specification change or material substitution is made.
- 6. Section 6 (b) (1) (ii) is revoked and sections 6 (b) (1) (iii) and (iv) are redesignated 6 (b) (1) (ii) and (iii), respectively.
- 7. Section 6 (b) (2) is amended to read as follows:
- (2) When new list prices may be estàblished. (1) A new list price may be established in accordance with section 9 when the factory or purchase cost of a part for which a list price is the maximum price, has been increased by 10% or more as a result of a specification change or material substitution; or
- (ii) A new list price may be established when the manufacturer wishes to establish a list price for a part for which there has been no list price in effect since January 1, 1932. The new list price in such a case shall be a price no higher than the previous maximum price for the part established pursuant to section 12, 14 or 16 of this regulation, or a price established in accordance with section 9 when the part is a new part.
- 8. Section 7 is amended to read as follows:
- SEC. 7. Maximum prices for sales of new and rebuilt parts at non-list prices—
  (a) In general. The maximum price a manufacturer may charge for the sale of a part for which he cannot establish a maximum price in accordance with section 6 or for which he has not established a new list price in accordance with that section and section 9, although permitted, but not required to do so, shall be the non-list price determined as follows:
- (1) If the manufacturer quoted or charged the same price to the same class of purchaser more than twice during the period from October 1941 to March 1942, inclusive, and did not increase that price on or before March 31, 1942, that price will be the maximum price for sales

<sup>17</sup> F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6898, 7777, 7670, 7914, 7942, 8354, 8650, 8948, 9783, 10470, 10581, 10780, 10993, 11008, 11012; 8 F.R. 926, 1388, 1629, 1679, 1747, 1971, 2023, 2030, 2273, 2284, 2501, 2497, 2713, 2873, 2920, 2921, 2997, 3216, 3855, 4258, 4717, 4785, 5477, 6443, 7200, 8504, 9018, 10936, 11806, 11689, 11765, 12659, 12557, 12933, 12934, 13175, 13293, 13706, 14009.

<sup>&</sup>lt;sup>1</sup>8 F.R. 11572, 12237, 12516.

to that class of purchaser. If the manufacturer had in effect during that period differentials between that class of purchaser and other classes, the maximum prices for such other classes shall be determined by the application of such differentials. For the purpose of this paragraph, all deliveries under a contract shall be considered as one sale.

(2) If the maximum price cannot be determined in accordance with paragraph (1), it shall be determined in accordance with section 12.

The price established under paragraph (1) or (2) as the maximum price for the sale of a part to a certain class of purchaser shall be the maximum price for all future sales to the same class of purchaser until changed in accordance with paragraph (b) or (c) of this section.

- (b) When a new maximum price must be established for a non-list part. A new maximum price must be established in accordance with section 12 for a non-list part when a specification change or a material substitution reduces by 10% or more the factory or purchase cost. The new maximum price must be established within three months from the date the specification change or material substitution is made.
- (c) When a new maximum price may be established for a non-list part. A new maximum price may be established in accordance with section 12 for a non-list part when the factory or purchase cost for the part has been increased by 10% or more as a result of a specification change or a material substitution.
- 9. Section 9 (b) is amended to read as follows:
- (b) Determining of applicable suggested resale list prices. If the manufacturer had suggested resale list prices for a part on or after March 31, 1942, or customarily names suggested resale prices in connection with his price list, he shall name suggested resale prices for any parts for which new list prices are established in accordance with sections 6 and 9. If a manufacturer now wishes to suggest resale prices for the first time, he may do so for a part for which new list prices are established in accordance with section 6 (b) or (c). The suggested resale prices shall be determined as follows:

(1) If the manufacturer has had suggested resale prices for the part at any time since January 1, 1932, the relationship of the new suggested resale prices to the new list price for the manufacturer's sale of the part shall be the same as the relationship that existed under the most recent price list.

(2) If the manufacturer has not had suggested resale prices for the same part at any time since January 1, 1932, but has had suggested resale prices for other parts of the same type, the relationship of the new suggested resale prices to the new list price for the manufacturer's sale of the part shall be the same as the relationship that existed for the part of the same type having the closest list price under the most recent price list. Examples of types for the purpose of this

paragraph are engine parts, carburetor parts, electrical parts, etc.

(3) If the suggested resale list prices cannot be determined under (1) or (2), they will be prices in line with the prices previously charged by resellers for the same part of the same manufacturer, or, in the absence of such prices, in line with suggested resale prices for the same or similar part named by other manufacturers.

- 10. Section 9 (c) is amended to read as follows:
- . (c) Notice to Office of Price Administration of new list prices. After a manufacturer has determined a new list price and suggested resale prices in accordance with paragraphs (a) and (b) above for one or more parts, he shall file a report with the Office of Price Administration, Washington, D. C., except where the new list price is for a rebuilt part, he shall file the report with the nearest regional office of the Office of Price Administration. This report shall be signed by him, or a responsible official, and contain the following information for each part:
- (1) Description of the part and its number or other designation.
- (2) The new list price and suggested resale prices and the previous list price and suggested resale prices, if any, for each class of purchaser.

(3) The newly determined unit costs and the unit costs included in the previous list prices, if available.

(4) If not previously filed, all the other factors used in determining the new list price and suggested resale prices such as markup, discounts, differentials, freight, and other allowances and other price determining factors.

(5) A statement that the new list price was determined in accordance with section 9 (a) and that the new suggested resale prices were determined in accordance with section 9 (b) and that the unit costs included in such prices were determined in accordance with section 13.

- 11. Section 9 (d) is amended to read as follows:
- (d) Action by the Office of Price Administration. The new list prices set forth in reports filed in accordance with paragraph (c) shall become maximum prices, and the suggested resale prices shall be considered approved, if approved by the Office of Price Administration, or if not disapproved by that agency within thirty days after the receipt of the reports. If the Office of Price Administration shall later determine that such prices were not computed in accordance with the requirements of sections 6, 9, and 13, they may at that time be disapproved, but such disapproval shall not be retroactive as to any deliveries completed prior to the date of the disapproval. If any price is disapproved because in some respect it is not determined in accordance with these sections. the manufacturer shall recompute the new list price in accordance with these sections and the suggestions contained in the notice of disapproval, and report the revised list price in accordance with paragraph (c) above.

- 12. Section 9 (e) is amended to read as follows:
- (e) When the new list prices may be charged. Upon the mailing of the reports in accordance with paragraph (c) above, the new list prices contained in such reports may be charged and any one of the following actions regarding payment may be followed:

(1) Accept payment in the amount of the existing maximum price and collect or refund the difference between the existing maximum price and the proposed maximum price upon the latter being approved or not disapproved within the thirty-day period.

(2) Accept payment in the amount of the proposed maximum price and if such a price is disapproved, collect or refund the difference between the existing maximum price and the disapproved pro-

posed price.

- (3) Do not accept payment for any deliveries until the proposed maximum price is approved or the thirty-day period elapses without disapproval. If such a price is approved or not disapproved, accept payment at the new price for the deliveries made on and subsequent to the filing of the reports and for all deliveries thereafter. If the proposed price is disapproved, accept payment for the deliveries made on and subsequent to the filing of the reports at the existing maximum price.
- 13. Section 10 (a) is amended to read as follows:
- (a) Furnishing of suggested resale price lists. A manufacturer whose maximum prices are the list prices which he had in effect on March 31, 1942, and who had suggested resale list prices in effect on that date shall furnish to his customers, to the extent they do not already have the same, copies of catalogs, price lists, and discount sheets in which are contained his resale list prices. A manufacturer whose maximum prices are list prices placed in effect after March 31, 1942, with the authorization of the Office of Price Administration, or list prices established in accordance with sections 6 (b) or (c) and 9, and who also established suggested list prices, shall furnish to his customers, to the extent they do not already have the same, copies of catalogs, price lists, and discount sheets in which are contained his resale list prices. A manufacturer who re-establishes as a new list price a list price in effect during the period January 1, 1932, to March 31, 1942, (in accordance with section 6) may, in lieu of furnishing catalogs, price lists, and discount sheets containing resale prices, notify his customers of such resale prices by stating these prices on the invoices which he furnishes to such customers in connection with the sale of the part. A manufacturer, in lieu of furnishing catalogs, price lists, and discount sheets to classes of customers to whom he would not ordinarily furnish such material, may notify such customers of the resale prices for a part by stating such resale prices on the invoices he furnishes to these customers in connection with the sale of a part. When the suggested

resale prices are stated upon invoices in accordance with this paragraph, they shall be indicated by the appropriate description as "Retail Maximum", "Wholesale Maximum", etc. A manufacturer need not furnish catalogs, price lists, and discount sheets to a customer for parts which the latter, as a manufacturer, resells under his own trade name or parts numbers and for which he has catalogs, price lists, and discount sheets containing resale prices. Resale price lists of the type described in this paragraph are called "Approved resale price lists" in paragraphs (b) and (c).

14. Section 10 (b) is amended by deleting the phrase "a copy of the following statement", and substituting therefor the phrase "a statement substantially the same as the following statement", and by revising the notice therein to read as follows:

The suggested resale prices, discounts and allowances in our catalog(s), price list(s), and discount sheet(s) dated \_\_\_\_\_ (or "numbered \_\_\_\_") are the maximum resale prices for the parts listed therein, in accordance with Maximum Price Regulation 453 (Wholesalers' and Retailers' Maximum Prices for Automotive Parts) of the Office of Price Administration.

15. Section 10 (c) is revoked, and

section 10 (d) is redesignated 10 (c).
16. Section 13 (a) (2) (ii) is amended by adding to the first sentence the following phrase, "subsequent to March 31, 1942".

17. Section 13 (a) (2) is amended by deleting the last sentence "However, costs for automotive parts defined in section 1 (c) (1) shall be the applicable prices established by this regulation", and substituting therefor the following sentence: "However, costs for automotive parts defined in section 1 (c) (1) which are purchased from a supplier shall be the prices paid for such parts, not to exceed the applicable maximum prices established by this regulation."

18. Section 13 (b) is amended by the addition of the following sentence: If the manufacturer did not make any purchases during either of these periods, he shall determine his costs by dividing the invoiced costs including freight in, of the units of the part for which invoices have been received by him, by the number of the units of the part included on such invoices, or where there are no invoices, by using the unit price at which the supplier agrees, either under contract or by quotation, to sell such a part to the manufacturer.

19. Section 14 (c) is amended to read as follows:

(c) Action by the Office of Price Administration. If the Office of Price Administration approves the prices, or the pricing method and the prices which result from its use, or fails to disapprove them within thirty days after receiving the report, the maximum non-list prices for the parts involved shall be the prices reported, or the prices calculated in accordance with the price determining method reported, until new prices or a new pricing method is proposed and reported either upon the initiative of the manufacturer or as required by the Office

of Price Administration. The prices previously filed shall not be regarded as fixed prices, but may be modified pursuant to the new prices or the new price determining method submitted. Prices determined in accordance with this section may be quoted or charged for thirty days prior to filing the report required by paragraph (b) and may be quoted or charged thereafter until the Office of Price Administration disapproves such prices, or the price determining methods from which these prices may be determined, or requires a new filing under paragraph (b). Either one of the following actions may be followed with respect to accepting payment at these prices:

- (1) Accept payment at such prices and refund or collect the difference between such prices and the prices which become the established maximum prices or which are determined in accordance with the established price determining methods.
- (2) Do not accept payment for any deliveries until maximum prices are established or price determining methods are established for the determination of maximum prices. Then accept payment for all deliveries at the established prices.
- 20. Section 16 (a) is amended by the addition of the following subparagraph
- (6) Adjusting applicable suggested resale prices. Any manufacturer who receives, under this paragraph (a), an adjustment in a list price established as his maximum price under this regulation shall adjust his applicable suggested resale list prices, if any, as follows: He shall multiply the previously suggested resale list prices by a percentage to be determined by dividing his adjusted maximum list price by his maximum list price prior to adjustment.
- 21. Section 18 (c) is added to read as follows:
- (c) Additional or substituted records and reports. Every person subject to this regulation shall keep such other records and submit such other reports, including periodic financial statements, as the Office of Price Administration may from time to time require in writing, either in addition to or in substitution for, records and reports required by this regulation subject to the approval of the Budget Bureau in accordance with the Federal Reports Act of 1942.
- 22. Item 30 of Appendix A is amended to read as follows:

Miscellaneous auxiliaries, including windshield wipers, running board plates, running board molding, spare tire locks, license plate

23. Item 16 of Appendix B is amended by the addition of the following sen-

Non-ferrous castings are identified as automotive parts when the cost of machining such castings is more than 25%, figured as provided in § 1395.1 (c) of Revised Maximum Price Regulation 125, or when such castings are otherwise exempt from that regulation.

This amendment shall become effective November 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of November 1943.

CHESTER BOWLES, Administrator.

[F. R. Doc. 43-18128; Filed, November 9, 1943; 4:57 p. m.]

PART 1360-MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

IMPR 453,1 Amdt. 21

WHOLESALERS' AND RETAILERS' MAXIMUM PRICES FOR AUTOMOTIVE PARTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 453 has been amended in the following respects:

- 1. Section 1 (c) (1) is amended by inserting-after the phrase "of automobiles, trucks, busses, trailers, semi-trailers, and motorcycles," and before the phrase "and all accessories" the phase "(except rebuilt and used bodies of trucks, busses, trailers, and semi-trailers)".
- 2. Section 2 (b) is revoked and sections 2 (c) and 2 (d) are redesignated
- sections 2 (b) and 2 (c), respectively.

  3. Section 5 (a) (1) is amended by deleting the last undesignated paragraph and substituting therefor the following paragraph:

If a person selling at wholesale prefers not to follow the procedure described in subparagraph (1), or his supplier noti-fies him of maximum resale prices for parts by stating them on the invoices covering the sales of the parts to him, he shall state on each invoice covering sales of parts to another wholesaler the maximum resale prices for sales of such parts both at wholesale and retail. The maximum price for a sale at wholesale shall be indicated by the wording "wholesale maximum" and that for a sale at retail by the wording "retail maximum".

- 4. Section 17 (a) is amended to read as follows:
- (a) "Manufacturer" as used in this regulation means a regular producer of new automotive parts (as defined in section 21 of Maximum Price Regulation 452), a rebuilder of used\_automotive parts, or any person who sells parts under his own trade name or parts numbers and who issues to the automotive trade catalogs or price lists containing suggested resale prices for such parts.
- 5. Item 30 of Appendix A is amended to read as follows:

Miscellaneous auxiliaries, including windshield wipers, running board plates, running board molding, spare tire locks, license plate frames, etc.

18 F.R. 11582, 13256.

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

6. Item 16 of Appendix B is amended by the addition of the following sentence:

Non-ferrous castings are identified as automotive parts when the cost of machining such castings is more than 25%, figured as provided in § 1395.1 (c) of Revised Maximum Price Regulation 125, or when such castings are otherwise exempted from that regula-

This amendment shall become effective November 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of November 1943. CHESTER BOWLES. Administrator.

[F. R. Doc. 43-18124; Filed, November 9, 1943; 4:58 p. m.]

PART 1426-WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[RMPR 218,1 Revocation]

EASTERN INDUSTRIAL BLOCKING

For the reasons set forth in the statement of considerations issued simultaneously herewith, and filed with the Division of the Federal Register,\* it is or-

Revised Maximum Price Regulation No. 218—Eastern Industrial Blocking (§§ 1426.51 through 1426.63 incl.) is hereby revoked in accordance with Supplementary Order No. 40.2

This order of revocation becomes effective November 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of November 1943. CHESTER BOWLES, Administrator.

[F. R. Doc. 43-18130; Filed, November 9, 1943; 4:57 p. m.]

# PART 1429-POULTRY AND EGGS [MPR 333,3 Amdt. 18]

EGGS AND EGG PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

- 1. The head-note of § 1429.74 is amended to read as follows:
- § 1429.74 Maximum prices for dried whole eggs, dried egg yolks and dried albumen sold to civilian purchasers in quantities of more than 3,000 pounds and to the United States or any agency thereof in any quantity.
- 2. Section 1429.74 (a) is amended to read as follows:
- (a) Maximum prices in the cities of New York and Seattle. The maximum
- \*Copies may be obtained from the Office of Price Administration.
- 17 FR. 9824; 8 FR. 493, 1029, 2887, 2993, 6362, 12950.
- 6362, 12900.

  28 F.R. 4325.

  28 F.R. 2488, 3002, 3070, 3735, 5342, 5829, 6182, 6476, 6626, 7457, 9027, 9300, 9879, 11381, 12620, 12622, 14093.

prices for dried whole eggs, dried egg yolks, flake dried albumen and spray dried albumen sold and delivered to any civilian purchaser in quantities of more than 3,000 pounds and to the United States or any agency thereof, in any amount, in the cities of New York and Seattle shall be the prices per pound for each dried egg product set forth in Table H of this section and for the month in which delivered.

- 3. The head-note of § 1429.74a is amended to read as follows:
- § 1429.74a Permitted increases in maximum prices for dried whole eggs, dried egg yolks and dried albumen for sales of quantities of 3,000 pounds or less, sold and delivered to purchasers other than the United States, or any agency thereof.
- 4. Section 1429.74a (a) is amended to read as follows:
- (a) When delivered from a warehouse or the premises of a manufacturer. Where dried whole eggs, dried egg yolks, flake dried albumen or spray dried albumen are sold and delivered from a warehouse or from the premises of a manufacturer in quantities of 3,000 pounds or less, there may be added to the maximum price for the particular product in larger quantities provided by § 1429.74 hereof the amount per pound set forth in Table I below.

In calculating the maximum prices for dried whole eggs, dried egg yolks, flake dried albumen and spray dried albumen in more than 3,000 pound quantities (to be used as a base for quantities of such dried egg products of 3,000 pounds or less in the paragraph immediately above), the price in Table H in § 1429.74 for the month in which the delivery of the less quantity is made shall be used.

- 5. Section 1429.74a (b) is amended to read as follows:
- (b) Table I: Maximum permitted increases for sales of dried whole eggs, dried egg yolks and dried albumen in quantities of 3,000 pounds or less to purchasers other than the United States or any agency thereof. Users other than the United States or any agency thereof whose total purchases and deliveries of all dried egg products from the particular seller for the period of the contract covering such purchases and deliveries average a number of pounds weekly within a range of pounds indicated below may be charged in the particular sale the increase in cents per pound shown opposite thereto below:

	cents re	increase in r lb. above to at ware- maint
Quantity sales	Dried whole case and dried cas yelks	Flaked dried al- bumen and spray dried or pow- dered al- bumen
Users whose weekly purchases needs—1,001 to 3,000 lbs., inclusive 101 to 1,000 lbs. 100 lbs. or less	3 6 10	. 5 8 12

Where there are two or more contracts covering the purchase or delivery of one or more of such dried egg products which cover the same period of time in whole or in part they shall be considered as one contract for the period in which they run concurrently. Sales and deliveries of such products made to the purchaser in addition to those made under a contract with him shall be considered as having been made under the contract. If any contract for the sale or delivery of one or more of such egg products extends over a period of one week or less, or if sales or deliveries of one or more of such egg products are made otherwise than under contract, the purchaser may be charged the increase in cents per pound for the total purchases and deliveries of all dried egg products from the particular seller for the week in which the particular sale occurs within the range of pounds above indicated.

This amendment shall be effective November 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9350 7 F.R. 7671; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of November 1943. CHESTER BOWLES, Administrator.

[F. R. Doc. 43-18131; Filed, November 9, 1943; 4:57 p. m.l

#### PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 2-1, Amdt. 2]

FOOD AND DRINK SOLD FOR IMMEDIATE CON-SUMPTION IN NEW YORK AREA

- For the reasons set forth in the statement of considerations issued simultaneously herewith, Restaurant Maximum Price Regulation No. 2-1 is hereby amended by the addition of the following paragraphs to section 18.
- (e) Eating and drinking places operated by any school, college or university which is a non-profit institution, that is, where no part of the net earnings inures to the benefit of any private individual, which sells food items or meals on a non-profit or cost basis or as near thereto as reasonable accounting methods will permit and substantially all sales of which are made to students, faculty members and employees of such institutions. For the purpose of this section, persons receiving instruction on the premises of such institution by arrangement with the War Department or the Department of the Navy shall be considered as students.
- (f) Boarding houses located in the District of Columbia, but only to the extent that the prices of their food items or meals are subject to the jurisdiction of the District Rent Administrator. (The District Rent Administrator has jurisdiction over such sales of food items or meals only when they are sales to boarders.)

This Amendment No. 2 to Restaurant Maximum Price Regulation No. 2-1 shall become effective November 3, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of November 1943.

JOHN R. JOHNSTON,

Acting Regional Administrator.

[F. R. Doc. 43-18132; Filed, November 9, 1943; 4:55 p. m.]

PART 1499—COMMODITIES AND SÉRVICES [Corr. to Rev. SR 14 to GMPR]

TRANSPORTATION OF COAL IN BARGES

Revised Supplementary Regulation No. 14 is corrected by deleting the first table "Maximum rates for transportation of coal in barges", and footnotes thereto, in section 7.1 (a).

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of November 1943.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 43-18133; Filed, November 9, 1943; 4:56 p. m.]

PART 1499—Commodities and Securities [Order 296 Under GMPR, Amdt. 1]

U. S. INDUSTRIAL CHEMICALS, INC., AND S. STERNAU AND CO., INC.

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation; Amendment No. 1 to Order No. 296.

For the reasons set forth in an opinion issued simultaneously herewith, a new paragraph (i) is added to § 1499.1732 to read as follows:

(i) Sales of Sterno in four ounce cans packed for export. The maximum prices for sales of Sterno in four ounce cans packed for export shall be:

(1) By U. S. Industrial Chemicals, Inc.—\$.013027 per ounce, f. o. b. production point.

(2) By S. Sternau and Co., Inc.—\$6.74 per case of 96 cans, f. o. b. shipping point.

This amendment shall become effective November 10, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681).

Issued this 9th day of November 1943.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 43-18125; Filed, November 9, 1943; 4:58 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,1 Amdt. 83]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith. has been filed with the Division of the Federal Register.\*

Ration Order 5C is amended in the following respects:

- 1. Section 1394.7602 (e) is amended to read as follows:
- (e) Notwithstanding any other provisions of this section, no Board in Area A may issue a supplemental, fleet or official ration, or a ration pursuant to the provisions of §§ 1394.7757 or 1394.7758, for any vehicle normally garaged or stationed in Area B or in the gasoline shortage area, no Board in Area B may issue such a ration for any vehicle normally garaged or stationed in Area A or in the gasoline shortage area and no Board in the gasoline shortage area may issue such a ration for any vehicle normally garaged or stationed in Area A or Area B.
- 2. Section 1394.7651 is amended to read as follows:
- § 1394.7651. Basic rations. A basic ration may be obtained for use with a registered passenger automobile or a registered motorcycle, except that no basic ration shall be issued for use with any motor vehicle which is:
- (a) Owned or leased by a Federal, State, local or foreign government or government agency.

(b) Part of a fleet of passenger automobiles or motorcycles.

(c) Held by a motor vehicle dealer for sale or resale.

(d) A vehicle available for public rental.

- (e) Registered in Canada and normally garaged or stationed outside the continental limits of the United States.
- 3. Section 1394.7702 is amended to read as follows:
- § 1394.7702 Passenger automobiles or motorcycles for which supplemental rations may not be issued. No supplemental rations may be obtained or shall be issued for use with a passenger automobile or motorcycle for which no basic ration has been issued or for use with any motor vehicle which is:
- (a) Owned or leased by a Federal, State, local or foreign government or government agency.
- (b) Part of a fleet of passenger automobiles or motorcycles.
- (c) Held by a motor vehicle dealer for sale or resale.
- (d) A vehicle available for public, rental.
- (e) Registered in Canada and normally garaged or stationed outside the continental limits of the United States.
- 4. Section 1394.7752 (b) is amended to read as follows:
- (b) Such official or fleet ration shall not be issued and may not be obtained for use with a passenger automobile or motorcycle which is held by a motor vehicle dealer for sale or resale, or for use with a vehicle available for public rental, or for use with a vehicle registered in Canada and normally garaged or stationed outside the continental limits of the United States.
- \*Copies may be obtained from the Office of Price Administration.

- 5. Section 1394.7757 (a) is amended to read as follows:
- (a) Notwithstanding any other provision of Ration Order No. 5C a ration may be issued by a Board to provide solely for the occupational mileage (other than for demonstration purposes) to be driven in an unregistered passenger automobile or motorcycle regularly operated on dealer or other interchangeable licenso plates if the operation of such vehicle on such plates is permissible under the law of the State issuing the plates. However, no ration may be issued pursuant to this paragraph for use with a 1942 passenger automobile held by an automobile dealer for sale or resale pursuant to Ration Order No. 2A or 2B, or for use with a motor vehicle normally garaged or stationed in Canada.
- 6. Section 1394.7758 (a) is amended to read as follows:
- (a) The lessee of a vehicle available for public rental who holds such vehicle under a lease for a term of more than thirty consecutive days, or the lessee of a motorcycle, may apply for a ration for use in such vehicle to provide gasoline for the occupational mileage to be driven therein during the term of the lease. However, no ration may be issued pursuant to this section for use with a motor vehicle registered in Canada and normally garaged or stationed outside the continental limits of the United States.
- 7. Section 1394.7855 is added to read as follows:
- § 1394.7855 Special rations for Canadian registered vehicles: non-occupational mileage—(a) Application for ration. The owner or person entitled to the use of a passenger automobile or motorcycle which is registered in Canada and which is normally garaged or stationed outside the continental limits of the United States may apply to a Board for a special ration under this section for non-occupational mileage driven within the continental limits of the United States. A separate application shall be made on Form OPA R-552 for each vehicle.
- (b) Allowance of ration. The Board shall grant a special ration under the terms of this section to provide the gallonage requested by the applicant for driving within the continental limits of the United States, except that the Board shall not allow more than fifteen gallons of gasoline for a passenger automobile or more than six gallons of gasoline for a motorcycle in the period of one year, and no ration shall be issued unless the Board finds:
- (1) That the vehicle for which the ration is sought is registered in Canada and normally garaged and stationed outside the continental limits of the United States and that such vehicle is not:

(i) Owned or leased by a Federal, State, local or foreign government or government agency.

(ii) Part of a fleet of passenger automobiles.

(iii) Held by a motor vehicle dealer for sale or resale.

(iv) A passenger automobile available for public rental.

<sup>&</sup>lt;sup>1</sup>7 F.R. 9135.

(2) That no other ration, which has been issued for such vehicle for use during any part of the period for which the application is being made, is outstanding, except a special ration issued pursuant to §§ 1394.7851, 1394.7853 or 1394.7856.

(c) Issuance of ration. If the Board grants the application, it shall issue gasoline purchase permits (Form OPA R-571) to provide the gallonage allowed. The Board shall note upon the face of each such permit the information required by the form. No one gasoline purchase permit shall be issued for an amount in excess of ten gallons of gasoline or for a fractional part of a gallon, and the total gallonage value of gasoline purchase permits issued under this section shall not provide more than fifteen gallons for use with any one passenger automobile or six gallons for any one motorcycle in the period of one year.

The Board shall make a notation upon the registration card or registration certificate of such vehicle of the gallonage allowed, and the date of issuance and class of ration as provided in § 1394.8003.

8. Section 1394.7856 is added to read as follows:

§ 1394.7856 Special rations for Canadian registered vehicles: occupational mileage—(a) Application for ration. The owner or person entitled to the use of a passenger automobile or motorcycle which is registered in Canada or operated on dealer or other interchangeable license plates issued in Canada and which is normally garaged or stationed outside the continental limits of the United States may apply to a Board for a special ration under this section for occupational mileage driven within the continental limits of the United States. Application shall be made on Form OPA R-535 in the same manner and subject to the same requirements as set forth in § 1394.7703 in regard to applications for supplemental rations, except that:

(1) The application shall be marked

"Special."

(2) If mileage is sought for driving to or from a place of work located in the continental United States, the application must be filed with the Board having jurisdiction over the area in which such place of work is located, otherwise such application may be made to any Board.

(b) Allowance of mileage. If the Board finds the facts stated on the application to be true and that the applicant has met all of the requirements set forth in § 1394.7704 (a) and paragraph (a) of this section the Board shall determine the allowed mileage for the vehicle in accordance with the provisions of § 1394.7704, except that:

(1) The provisions of paragraph (d) of § 1394.7704 shall in no way apply.

(2) No mileage shall be allowed if any ration, which has previously been issued for the vehicle for use during any part of the period for which the application is being made, is outstanding, except a special ration issued pursuant to §§ 1394.-7851, 1394.7853 or 1394.7855.

(c) Issuance of ration. The Board shall issue the ration to provide the allowed mileage in the same manner as

it would issue a fleet ration in accordance with the provisions of § 1394.7755 (a), (b) and (c) except that:

(1) The Board shall write "Special" upon the ration book issued.

(2) The Board shall make a notation upon the registration card or registration certificate of such vehicle of the date of issuance, class of ration and the serial number of the ration book (if any) issued as provided in § 1394.8003.

(3) In the case of a vehicle available for public rental, if the term of the lease remaining from the date of issuance of the ration is less than three months, the Board shall issue a ration containing coupons sufficient to allow the allowed mileage for only the remaining term of the lease and shall write on the outside front cover of the book the date on which the lease terminates, and that the book will expire on that date.

Section 1394.8002 (a) is amended to read as follows:

(a) Except as provided in paragraph (b) of this section, no basic ration and no special ration issued under §§ 1394.7855 (b) (1) and (2), 1394.7855 or 1394.7856, shall be issued for any registered motor vehicle unless a registration card or registration certificate authorizing the operation of such vehicle during all or part of the period for which such ration is to be issued, is presented to the Board.

10. In § 1394.8051 (b) (1) the parenthetical phrase is amended to read as follows:

(except in the case of a basic or transport ration or a special ration issued pursuant to §§ 1394.7851, 1394.7854, or 1394.7855)

This amendment shall become effective this 9th day of November 1943.

Nore: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 9th day of November 1943.

CHESTER BOWLES.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18129; Filed, November 9, 1943; 4:55 p. m.]

PART 1300—PROCEDURE [Procedural Reg. 12, Amdt. 4]

REPLACEMENT OF LOST, STOLEN, DESTROYED, LIUTILATED OR WRONGFULLY WITHHELD RATION ECOKS OR COUPON SHEETS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

The last sentence of § 1300.951 of Procedural Regulation No. 12 is amended to read as follows:

It applies to all ration books (except War Ration Book One or War Ration Book Two) or coupon sheets containing stamps or coupons.

This amendment shall become effective November 9, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 562; E.O. 9334, 8 F.R. 5423; Sec. of Agr. Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471, Food Dir. 8, 8 F.R. 7093)

Issued this 9th day of November 1943.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 43-18153; Filed, November 10, 1943; 11:39 s. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 393,2 Amdt. 3]

VARIETY LIEATS AND EDIBLE BY-PRODUCTS AT WHOLESALE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 398 is amended in the following respects:

The items designated in their alphabetical order as Head (calf, skinned) and Head (calf, scalded) in the table contained in section 13 (a) (1) are amended to read as follows:

	Beef	Keeher beef	Veal	Kosher veal	Lamb and mutten	Kosher Ismb and mutton	Pork
Head (call, skinned) Head (call, scalded)			£6.70 13.70				

This amendment shall become effective November 9, 1943. (56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9350, 7 F.R. 7871; E.O. 9328, 8 F. R. 4681)

Issued this 9th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18154; Filed, November 10, 1943; 11:39 a. m.]

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>&</sup>lt;sup>2</sup>8 F.R. 3171, 6543, 11688, 14737. <sup>2</sup>8 F.R. 6945, 7951, 13297.

PART 1377-WOODEN CONTAINERS [MPR 320,1 Amdt. 7]

EASTERN AND CENTRAL WOODEN AGRICUL-TURAL CONTAINERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 320 is amended in the following respects:

- 1. In § 1377.204 (b) the first sentence is amended to read: "In warehouse sales the following items can be added to the basic maximum price:", and a new item (3) is added to read as follows:
- (3) The actual increase (dollars and cents) over the basic maximum price resulting from an individual price adjustment under § 1377.211 (b) of this regulation.
- 2. In § 1377.206, the last parenthetical expression in paragraph (b) is amended by adding a sentence to be included in the parentheses to read as follows:

An addition to the prices computed under this paragraph of the actual increase (dollars and cents) over the basic maximum price resulting from an individual price adjustment under § 1377.211 (b) of this regulation is specifically per-

- 3. In § 1377.211, paragraphs (b) and (c) are redesignated paragraphs (c) and (d), respectively, and a new paragraph (b) is added to read as follows:
- (b) Production under War Production Board order. Any person who is subject to a War Production Board order to produce any specific container or containers may file an application for adjustment of his maximum prices of the containers if compliance with such order causes or threatens to cause him to sustain a loss. Such applications must be filed in accordance with Procedural Regulation No. 1 and must include the following data:
- (1) Over-all profit and loss statements for the years 1940, 1941, and the most recent nine months' accounting period preceding the effective date of the applicable War Production Board order.
- (2) Detailed unit production costs of the container or containers involved in the order for the previous and current selling seasons, disclosing separately the major categories of cost in accordance with the system of cost accounting normally used; if current unit costs for the specific container or containers are not available, the unit costs for the previous selling season, and the unit costs of the most similar container for the previous and current selling seasons.
  - (3) The requested selling price.
- (4) The total number of each specific container which must be produced under the War Production Board Order and the number produced during the previous selling season.

When such application has been filed, the producer may sell and deliver at the

\*Copies may be obtained from the Office

requested prices. He may not, however, collect any amount in excess of the present ceiling prices. The difference between the present ceiling prices and the prices requested in the application may be placed in escrow pending action by the Office of Price Administration.

No adjustments will be granted on applications filed more than 30 days after the effective date of the applicable War Production Board order.

This amendment shall become effective November 9, 1943.

Note: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of

(56 Stat. 23, 765; Pb. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R.

Issued this 9th day of November 1943. CHESTER BOWLES. Administrator.

[F. R. Doc. 43-18155; Filed, November 10, 1943; 11:39 a. m.]

PART 1378-COMMODITIES OF MILITARY SPECIFICATION FOR WAR PROCUREMENT AGENCIES

[MPR 156,1 Amdt. 5]

CERTAIN BEEF AND BEEF PRODUCTS PURCHASED BY CERTAIN FEDERAL AGENCIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith. has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 156 is amended in the following respects:

Section 1378.52 (b) is amended to read as follows:

(b) The maximum prices, f. o. b. the seller's shipping point, for each of the following canned products shall be:

Product	Size of can	Price per doz. cans
Vienna sausage	24 oz 6 lb 80 oz	- \$7.50 82.00 7.20

This amendmen't shall become effective November 9, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of November 1943. CHESTER BOWLES. Administrator.

[F. R. Doc. 43-18156; Filed, November 10, 1948; 11:39 a. m.]

PART 1390-MACHINERY AND TRANSPORTA-TION EQUIPMENT

[MPR 136, as Amended,\* Amdt. 104]

MACHINES AND PARTS, AND MACHINERY SERVICES

A statement of the considerations in-. volved in the issuance of this amendment, issued simultaneously herewith,

has been filed with the Division of the Federal Register.\*

Section 1390.18 (e) is amended to read as follows:

(e) Adjustable pricing. If the seller, lessor or supplier wishes, he may agree with the buyer or lessee to charge a price which can be increased up to the maximum price in effect at the time of delivery. Where the seller or supplier has filed an application for adjustment under § 1390.25a, he may, in accordance with the provisions of that section, deliver at a price which will be adjusted upwards in accordance with the action taken by the Office of Price Administration on his application. In all other cases, unless authorized by the Office of Price Administration, the seller, lessor or supplier must not deliver at a price which is to be adjusted upwards in accordance with action by the Office of Price Administration after delivery. This authorization will be given only where: (1) a request for a change in the applicable price is pending; (2) authorization is necessary to promote distribution or production; and (3) it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

This amendment shall become effective November 9, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of November 1943. CHESTER BOWLES, Administrator.

[F. R. Doc. 43-18157; Filed, November 10, 1943; 11:40 a. m.1

# TITLE 38—PENSIONS, BONUSES, AND **VETERANS' RELIEF**

Chapter I-Veterans' Administration

PART 2-ADJUDICATION: VETERANS CLAIMS

SERVICE CONNECTION FOR DENTAL DIS-ABILITIES

§ 2.1105 Required period of service. Determinations relative to the origin or aggravation in active service of dental conditions will be in accordance with the requirements of § 35.011, paragraph (a) (1), and § 35.012, paragraph (a) (1), respectively, and section 28, Title III, Pub-

lic No. 141, 73d Congress. (a) When a period of six months or over of continuous active service during a wartime enlistment which began prior to November 11, 1918, or before the termination of hostilities incident to the present war (World War II), as determined by proclamation of the President or by concurrent resolution of Congress, is shown, service connection may be conbidered as having been established under the World War Veterans' Act, 1924, as amended, reenacted by Public No. 141, 73d Congress, or § 35.011, paragraph (a) (1), as amended for World War II service, for any dental disability except such as were recorded at time of enlistment, existed prior thereto, or otherwise rebutted, shown to have existed within a year from date of discharge from those periods of

of Price Administration.

18 F.R. 1885, 3529, 3843, 4732, 7200, 9381, 13298.

<sup>17</sup> F.R. 4230, 7032, 5780, 8948, 10379, 8 F.R.

<sup>121, 4136.</sup> \*7 F.R. 5047.

service. If the claimant was or is discharged after July 2, 1921, or after the termination of hostilities incident to the present war (World War II), as determined by proclamation of the President or concurrent resolution of Congress, the one year period for the establishment of such service connection will begin on July 2, 1921, or the date of termination of hostilities incident to the present war (World War II) as determined by proclamation of the President or concurrent resolution of Congress. Service connection will not be considered as having been established when the evidence clearly shows that the disabilities or conditions existed or were recorded at the time of enlistment or originated subsequent to discharge from causes not related to service. (November 10, 1943) [Sec. 9, Public No. 144, 78th Congress]

§ 2.1107 Service connection where dental disability is not of pensionable or compensable degree. Determinations relating to the origin or aggravation in active service of dental conditions not of pensionable or compensable degree where claim is made for treatment will be in accordance with §§ 2.1105, 2.1106 and current instructions covering service connection and aggravation under § 35.011, as amended. However, the statutory presumption provided in section 200 of the World War Veterans' Act, 1924, as amended, as reenacted by Public No. 141, 73d Congress, or § 35.011, paragraph (b), as amended, as to soundness of condition at time of entrance into active service will not be applicable in cases of dental conditions not of pensionable or compensable degree.

(a) The furnishing of treatment or prosthesis for non-compensable dental conditions during service will not be considered as aggravation of a dental condition shown to have existed prior to entrance into active service.

(b) Effective principles relating to the establishment of service connection for dental diseases and injuries by reason of their relationship to other associated service connected diseases or injuries will be observed in the adjudication of claims based upon dental conditions where a determination to that effect is properly in order. (November 10, 1943) [Sec. 9. Public No. 144, 78th Congress]

[SEAL]

FRANK T. HINES, Administrator.

[F. R. Doc. 43-18121; Filed, November 9, 1943; 4:02 p. m.]

# TITLE 49-TRANSPORTATION AND RAILROADS

Chapter I-Interstate Commerce Commission

Subchapter D-Freight Forwarders PART 415-TRANSFERS OF OPERATING RIGHTS

TRANSFERS OF RIGHTS TO ENGAGE IN SERVICE AS A FREIGHT FORWARDER IN INTERSTATE COMMERCE

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington on the 21st day of October A. D., 1943.

The matter of transfers, under section 410 of the Interstate Commerce Act, of rights to engage in service as a freight forwarder in interstate commerce, and the matter of the provision of adequate service and continuous operation in the public interest, under such operating rights, by persons temporarily succeeding to rights thereunder, being under consideration, and good cause appearing therefor:

It is ordered, That the following rules and regulations be, and they are hereby, approved and prescribed, and that from and after December 21, 1943, said rules and regulations shall be observed by freight forwarders subject to part IV of the Interstate Commerce Act and by all persons who are parties to transfers of operating rights or to proceedings involving such transfers:

415.1 Definitions and general provisions.

Applications to transfer. Required exhibits. 415.2

415.3

415.4 Form and style of application.

Procedure. 415.5 415.6

Transfers by fiduciaries. 415.7 Leases and contracts to operate.

AUTHORITY: 56 Stat. 291, 49 U.S.C. 1010.

§ 415.1 Definitions and general provisions—(a) Definitions—(1) Transfer. The term "transfer", as used herein, shall include all transactions, whether by purchase, lease, contract to operate, otherwise, whereby an operating right as a freight forwarder arising out of the Interstate Commerce Act is acquired by one person from another.

(2) Operating rights. The term "operating right" or "operating rights", as used herein, shall include the right to engage in service as a freight forwarder in interstate commerce within a specified territory or from and to specified territories, as authorized by a permit issued by this Commission under the provisions of the Interstate Commerce Act, or as authorized by those provisions of said act under which a freight forwarder may continue to operate pending consideration of its application to the Commission for a permit.

(b) General provisions—(1) Division of operating rights. An operating right may be divided as to territories and part thereof transferred, provided such territories are clearly severable and the division thereof does not permit the creation of duplicate operating rights. No division of operating rights will be approved unless it appears to the satisfaction of the Commission that the part of the operating rights sought to be transferred is, because of a difference in the nature or type of the service rendered, clearly distinguishable and severable from the remaining operating rights.

(2) Attempted transfers. No attempted transfer of an operating right shall be effective except upon full compliance with these rules and regulations and until after the Commission has approved such transfer as herein provided. A transfer of operating rights by means of a pledge of such rights or by the foreclosure of a pledge upon or lien against such rights, or by a levy of execution in satisfaction of any judgment or claim against the holder thereof, shall not be effective without compliance with these rules and regulations and the prior approval of the Commission.

§ 415.2 Applications to transfer. Applications for approval of the transfer of operating rights shall show, in the order indicated, the following:

(a) Full and correct name of the transferor.

(b) Business address of the transferor (street, number, city, county, State).

(c) Title, date, and docket number of operating right to be transferred.

(d) Full and correct name of the transferee.

(e) Business address of transferee (street, number, city, county, State).

(f) Whether transferee is a corporation, partnership, association, or in-dividual, and (1) if transferee is a corporation, the Government, State, or Territory under the laws of which transferee is organized, and if incorporated under the laws of, or authorized to operate in, more than one State, the facts in regard thereto; (2) if a corporation or association, the names and addresses of the directors and officers: (3) if a partnership, the names and addresses of the partners; and (4) if an association, partnership, or individual, the firm or trade name under which operations are conducted.

(g) Whether the transferee is a freight forwarder, or is a person controlling, controlled by, or under common control or otherwise affiliated with a freight forwarder, or is a carrier subject to part I, II, or III of the Interstate Commerce Act, or is a director, officer, employee, or agent of such carrier, or controls, is controlled by, or is under common control or otherwise affiliated with such a carrier; or is a person whose principal business is that of buying or selling or buying and selling articles or commodities and whose business operations are of such a character that services of a freight forwarder or forwarders are commonly used in connection with the transportation of such articles or commodities, or is a person control-ling, controlled by, or under commoncontrol with such person; and, if so, a full explanation.

(h) All territories within which or between which transferor is authorized to operate; whether transferor was operating within or between all these territories on the date of the application; and, if not, the territories within or between which operations had ceased and the date on which operations ceased, with a full explanation of the circumstances causing cessation of operations.

(i) Experience of the transferee and of its principal officers and operating personnel in performing freight forwarder services; whether the proposed transfer would affect the interests of the employees of the transferor, and, if so, the manner in which their interests would be affected.

(j) Any additional information to show that the proposed transferee is ready, able, and willing properly to perform the service authorized by the operating right sought to be transferred and to conform to the provisions of Part IV of the Interstate Commerce Act and the requirements, rules, and regulations

of the Commission thereunder.

(k) Reference to action by stockholders or directors of applicant, if a corporation, by directors or members of applicant, if an association, or by the court having jurisdiction over applicant, if a trustee, receiver, or other fiduciary, authorizing the proposed transaction and the making and filing of the application, giving dates and places of meetings of stockholders, directors, or associate members and the date of the court's order.

(1) Whether the proposed transfer of operating rights is part of a transaction involving the transfer of freight forwarder facilities from the transferor to the transferee; and, if so, (1) the nature of the transaction, whether a sale, lease, or operating contract, and (2) a description of the physical facilities to be trans-

ferred.

(m) The name, title, and post office address of counsel or officer to whom correspondence in regard to the application is to be addressed.

§ 415.3 Required exhibits. The following exhibits shall be attached to and made a part of the application:

(a) As exhibit 1, copy of each resolution or order to which reference is made in response to the requirements of paragraph (k) of § 415.2 hereof.

(b) As exhibit 2, copy of contracts or other written instruments entered into, or proposed to be entered into, pertain-

ing to the proposed transfer.

(c) As exhibit 3, general balance sheet statement of the transferee as of the close of the last preceding calendar year, and as of the latest available date of the current calendar year, or if transferee is an individual or a newly organized corporation, association or partnership, a statement of resources and liabilities with which the transferee proposes to begin operation pursuant to the operating right.

(d) As exhibit 4, income statement of the transferee for the last preceding year and, separately, for the current calendar year to the last available date, or. if the transferee is an individual or a newly organized corporation, association, or partnership, an estimate of revenues, expenses, and income for the first three years of the proposed operation and a statement showing the basis

of such estimate.

§ 415.4 Form and style of application. The application and exhibits shall conform with Rule 15 of the Commission's general rules of practice (see appendix for Rule 15).

§ 415.5 Procedure. (a) The original application shall be signed in ink by the transferor and the transferee, if individuals; by all partners, if either transferee or transferor is a partnership; and, if either is a corporation, an association, or other similar form of organization, by its president, vice-president, auditor, comptroller, or other executive officer having knowledge of the matters

therein contained and duly designated for that purpose by such applicant; and shall be made under oath. The application shall show that any affiant acting for the transferor or transferee is duly authorized by such applicant to verify and file the same.

(b) There shall be filed with the Secretary of the Commission, Washington, D. C., the original application and four copies thereof for the use of the Commission and one copy shall be delivered. in person or by mail, to the Governor of each State in which any point served by the transferor is located. Proof of such delivery shall be made as a part of the original application filed with the Commission. Each copy shall conform in all respects to the original and shall be complete in itself, except that the signature in the copies may be stamped or typed and the notarial seal omitted.

(c). The Commission, if it shall consider it necessary in order to determine whether the findings required for the entry of an order approving and authorizing a transfer may properly be made, will order a hearing upon the application, giving notice thereof to the applicants and to such others as are inter-

ested in the proposed transfer.

(d) Except as provided in § 415.1 (b) hereof, the proposed transfer described in any such application shall be approved if it appears that such transfer, if approved, will be consistent with the public interest and the national transportation policy declared in the Interstate Commerce Act, will not result in unlawful ownership or control of a freight forwarder and will not adversely affect the employees of the transferor; and that the proposed transferee is ready, able, and willing properly to perform the service authorized by the operating rights sought to be transferred, and to conform to the provisions of the Interstate Commerce Act and the requirements, rules, and regulations of the Commission thereunder. Otherwise the application shall be denied.

(e) Within ten days after the transfer of an operating right the transferee shall file with the Commission in duplicate, in the form in which they are executed, verified copies of such instrument or instruments, or, in the absence of any such instrument, of the endorsement or other written evidence of the transfer. Upon receipt of such copies an appropriate permit superseding the permit transferred will be issued in transactions including the transfer of a permit issued by this Commission.

415.6 Transfers by fiduciaries. (a) The temporary continuance of freight forwarder operations without prior compliance with the provisions of the foregoing rules and regulations will be recognized as justified by the public interest in cases in which administrators or executors of deceased persons formerly engaged in service as freight forwarders, guardians of incapacitated persons formerly engaged in service as freight forwarders, a surviving partner or surviving partners collectively of dissolved partnerships, or trustees, receivers, conservators, assignees, or other

such persons who are authorized by law to collect and preserve property of financially disabled freight forwarders, desire to continue the operations of the freight forwarders whom they succeed in interest.

(b) Immediately upon any such succession, and in any event not more than ten days thereafter, the successor shall give notice of the succession to the Secretary of the Commission, Washington, D. C., stating the names of the freight forwarder and of the successor, the date of the succession, and the circumstances causing the succession, whether there has been any discontinuance of operations and, if so, for what period, and, if the representative capacity of the successors involves appointment by a judicial proceeding, enclosing a certified copy of such appointment.

(c) Such successors may continue to operate under the authority of the freight forwarder which they succeed so long as they act in a temporary and representative capacity or until the Commission shall otherwise order. All transfers by successors to other persons shall be subject to other sections of these

rules and regulations.

(d) Such successors shall operate in the name of the prior holder of the permit or operating right, followed by the name of the successor and a designation of his capacity. The use of such name on all papers filed in accordance with the requirements of part IV of the Interstate Commerce Act, or the rules and regulations prescribed thereunder, shall be sufficient compliance with any requirement, rule, or regulation that such papers be filed in the name of the holder of the operating rights.

§ 415.7 Leases and contracts to operate. In addition to the showing required in §§ 415.2 and 415.3 hereof, applicants who seek approval of a transfer of an operating right for a limited period, whether by lease, operating contract, or otherwise, shall agree in writing that such operating right shall revert to the transferor at the expiration of the period for which the transfer is sought, or upon discontinuance of operation thereunder by the transferee at any time prior to the expiration of such period. In such case of reversion the transferor shall give notice of that fact to the Commission as provided in § 415.6 (b) hereof.

It is further ordered, That a copy of this order be served upon each freight forwarder subject to part IV of the Interstate Commerce Act.

Note: The reporting requirement of this order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Commission, Division 4. [SEAL] W. P. BARTEL. Secretary.

APPENDIX-EXCERPT FROM THE COMMISSION'S GENERAL RULES OF PRACTICE

RULE 15. Typographical specifications generally. Except as otherwise provided respecting applications (rule 38 (a)), exhibits (rule 84 (a)), and informal complaints (rule 24 (a)), all pleadings, documents, and papers to be filed under these rules shall be on opaque, unglazed, durable paper not exceeding 8½ by/11 inches. To permit of binding in covers of uniform size, margins of at least 1½ and 1 inch, respectively, shall be allowed on the left and right margins. Binding shall be on the left margin. Reproduction may be by printing, multilithing, multigraphing, or mimeographing or by any other process, provided the copies are clear and permanently legible. White-line blue-prints which cannot be reproduced by photography are not desirable. If directly type-written, or if in facsimile reproduction of typewriting, the impression must be on one side 3 of the paper and must be doublespaced, except that long quotations shall be single-spaced and indented. If printed, adequate leading and nothing less than 10-point type shall be used, except that 8-point type may be employed in footnotes and in tabular matter where printing limitations so require. A brief in excess of 50 pages, including cover pages, indexes, and appendixes, may not be typewritten.

[F. R. Doc. 43-18118; Filed, November 9, 1943; 2:42 p. m.]

# Notices

FEDERAL COMMUNICATIONS COM-MISSION.

[Docket No. 6555]

YANKEE NETWORK, INC.

- NOTICE OF HEARING

In re application of The Yankee Network, Inc. (WNAC); date filed: July 29, 1943, for construction permit to move auxiliary transmitter; class of service, Broadcast; class of station, Broadcast; location, Quincy, Massachusetts; operating assignment specified: Frequency, 1260 kc; power, 1 kw; hours of operation, for auxiliary purposes only. File No. B1-P-3537.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether there is need for an auxiliary transmitter at the present main transmitter site.

2. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion dated April 27, 1942.

3. To determine whether, in view of the facts adduced under the foregoing issue, public interest, convenience or necessity would be served by a grant of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules

The one-side provision shall not take effect until 6 months after the current state of war shall officially have been declared at an end. In the meantime, use of both sides of paper will be permitted.

of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: The Yankee Network, Inc., Radio Station WNAC, 21 Brookline Avenue, Boston 15, Massachusetts.

Dated at Washington, D. C., November 8, 1943.

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 43–18137; Filed, November 10, 1943; 10:37 a. m.]

# [Docket No. 6558]

RADIO BROADCASTING, INC.

#### NOTICE OF HEARING

In re application of Radio Broadcasting, Inc. (KTHS); date filed, March 6, 1943; for construction permit; class of service, broadcast; class of station broadcast; location, Hot Springs, Arkansas (request to move transmitter and studio to Little Rock, Arkansas); operating assignment specified; frequency, 1090 kc.; power, 50 kw.; hours of operation, unlimited (DA—night); File No. B3-P-3525.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the applicant in financially qualified to construct and operate the station as proposed.

2. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion of April 27, 1942.

3. To determine the populations and areas which would gain or lose primary or secondary service, particularly from Station KTHS, operating as proposed, and what other broadcast services are available to those populations and areas.

4. To determine the nature and character of the program service proposed to be rendered.

5. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

6. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served by a grant of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice

and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Radio Broadcasting, Inc., Radio Station KTHS, 135 Benton Street, Hot Springs National Park, Arkansas.

Dated at Washington, D. C., November 8, 1943.

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F.R.Dcc. 43-18138; Filed, November 10, 1943; 10:37 a. m.]

[Docket No. 6559]

CHARLES SWARINGEN, ET AL.

#### NOTICE OF HEARING

In re application of Charles Swaringen, et al., d/b as Buckeye Broadcasting Company, (NEW). Date filed July 31, 1943 for construction permit; class of service, Broadcast; class of station, Broadcast; location, Akron, Ohio; operating assignment specified: Frequency, 1240 kc; power, 250 w; time of operation, unlimited (facilities assigned WJW). File No. B2-P-3539.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following

reasons:

1. To determine whether the applicant and the partners composing the partnership are technically, financially and otherwise qualified to construct and operate the proposed station.

2. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion, dated April 27, 1942.

3. To determine the populations and areas which would receive primary service from the proposed station and what other broadcast services are available to those populations and areas.

4. To determine the populations and areas, within the normally protected contours, wherein the proposed station would be unable to render primary service by reason of interference from Stations WGAR (operating as authorized on 1220 kc) and WHIZ.

5. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Stations WGAR (operating as authorized on 1220 kc) and WHIZ.

6. To determine the populations and areas which would be prevented from receiving primary service, particularly from Stations WGAR (operating as authorized on 1220 kc) and WHIZ, as a result of the operation of the proposed station and what other broadcast services are available to those populations and areas.

7. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

8. To determine whether the proposed station would provide primary service to the Akron metropolitan district as contemplated by the Standards of Good Engineering Practice.

9. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served through the

granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and pro-

The applicant's address is as follows: Charles Swaringen, et al., d/b as Buckeye Broadcasting Company, 708 Sinclair Building, Steubenville, Ohio.

Dated at Washington, D. C., November

8, 1943.

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 43-18139; Filed, November 10, 1943; 10:37 a. m.]

### FEDERAL POWER COMMISSION.

GRANITE CITY GENERATING CO. [Docket IT-5868]

NOTICE OF APPLICATION

NOVEMBER 9, 1943.

Notice is hereby given that on November 8, 1943, an application was filed pursuant to the Federal Power Act, by Granite City Generating Company, a corporation organized under the laws of the State of Illinois and doing business in the states of Missouri and IIlinois, with its principal business office at Granite City, Illinois, seeking an order authorizing the modification of the Indenture of Lease between Granite City Generating Company, as lessor and Laclede Power & Light Company, as lessee dated March 1, 1938, by eliminating therefrom paragraph 6.10 of Article VI. The applicant states that the Laclede Power & Light Company proposes to assign the aforesaid lease to Union Electric Company of Missouri and the latter proposes to assume the obligations of the lessee thereunder, upon the condition that said lease be amended by eliminating therefrom the aforesaid paragraph 6.10 of Article VI, which provides for purchase by the Laclede Company of certain trust certificates of the Granite City Generating Company in the event that in refinancing the Laclede Company increased its annual fixed charges beyond a specified amount; all

as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 26th day of November 1943, file with the Commission a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL]

LEON M. FUQUAY, Secretary.

F. R. Doc. 43-18140, Filed, November 10, 1943; 11:24 a. m.]

# OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on November 6, 1943.

Order Number and Name

RPS 84, Order 8, Fada Radio & Electric Co. MPR 188, Order A-2, Order 8, Gager Lime Mfg. Co.

Rev. Supp. Order 9, 2d Rev. Order 9, Sierra Talc Co.

Copies of these orders may be obtained from the Printing and Distribution Branch of the Office of Price Adminis-

ERVIN H. POLLACK, Head, Editorial and Reference Section.

[F. R. Doc. 43-18134; Filed, November 9, 1943; . 4:55 p. m.]

#### [Order 2 Under MPR 418]

FRESH FISH AND SEAFOOD IN ALASKA AUTHORIZATION OF MAXIMUM PRICES

An opinion accompanying this order issued simultaneously herewith, has been filed with the Division of the Federal

Pursuant to the authority contained in section 2 (c) of Maximum Price Regulation 418 the Regional Office for the Ninth Region is hereby establishing maximum prices for fresh sable fish on fishing grounds in and off the Territory of Alaska.

The maximum prices for fresh sable fish sold in Alaskan fishing grounds shall be determined by deducting the following amounts from the maximum prices established in Maximum Price Regulation 418 at the Alaskan port of entry to which the fish are delivered:

Sched. No. 26. Sable fish (Anoplopoma Fimbria); size, all sizes; amount to be deducted (per 1b.) \$0.015.

This Order No. 2 shall become effective November 4, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4651)

Issued this 3d day of November 1943. JAMES P. DAVIS. Regional Administrator.

[F. R. Doc. 43-18135; Filed, November 3, 1943; 11:51 a. m.]

[Order A-2 Under MPR 188, Amdt. 5] WOOD CRUTCHES

### ORDER GRANTING ADJUSTMENT

Amendment No. 5 to Order No. A-2 adjustment provisions for particular 1 commodities under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

An opinion accompanying this amendment to Order A-2 under § 1499.159b of Maximum Price Regulation No. 188 has been issued simultaneously herewith and filed with the Division of the Federal

Register.

Order No. A-2 under Maximum Price Regulation No. 188 is amended in the following respect:

- 1. A new paragraph (a) (6) is added as follows:
- (6) Wood crutches. (1) This adjustment provision permits the granting of relief to certain manufacturers of wood crutches whenever the loss of the manufacturer's production would result in higher prices to medical supply houses and hospitals. An adjustment may be granted if it appears:
- (i) That the maximum price fixed by Maximum Price Regulation No. 188 for particular wood crutches is below the manufacturer's total cost to make and sell such wood crutches, and

(ii) That the manufacturer's entire crutch manufacturing operation is being

conducted at a loss, and

(iii) That the loss of the manufacturer's output of such crutches would force medical supply houses and hospitals to pay higher prices for similar crutches.

(2) Applications for adjustment under this provision must be made in accordance with the provisions of Revised Procedural Regulation No. 1.

(3) Any adjustment granted will enable the manufacturer to sell such crutches without loss, but in no instance will maximum prices be increased to a level in excess of the general level of maximum prices prevailing for similar crutches.

This amendment shall become effective November 10, 1943.

(56 Stat. 23, 765; Pub. Law 151; 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of November 1943. CHESTER BOWLES. Administrator.

[F. R. Doc. 43-18136, Filed, November 9, 1943; 4:55 p. m.]

Regional and District Office Orders.

[Region II Order G-7 Under MPR 8291 FLUID MILK IN NEW JERSEY

Order No. G-7 under Maximum Price Regulation No. 329, as Amended. Purchases of milk from producers for resale as fluid milk.

<sup>17</sup> F.R. 8961, 8 F.R. 3313, 3535, 6175,

For the reasons set forth in an opinion and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, as amended: It is hereby ordered:

(a) The maximum price at which a purchaser in the course of trade or business may purchase or receive from a producer Class I fluid milk, (other than those types of fluid milk specified in paragraph (b) herein), which is thereafter sold as such by such purchaser in the State of New Jersey shall be the higher of either of the following:

(1) The maximum price established under Maximum Price Regulation No.

329, as amended, or

(2) \$3.83 per cwt., f. o. b. purchaser's New Jersey receiving plant nearest the producer's farm for such milk having a butterfat content of 3.5%, plus \$.04 for each one-tenth of 1% butterfat content in excess of 3.5%, or less \$.04 for each one-tenth of 1% butterfat content below 3.5%.

(b) The maximum price at which a purchaser in the course of trade or business may purchase or receive from a producer Class I New Jersey Grade A Raw milk or New Jersey Premium milk which is therefore sold as such by such purchaser in the State of New Jersey shall be the higher of either of the following:

(1) The maximum price established under Maximum Price Regulation No.

329, as amended, or

- (2) \$4.23 per cwt., f. o. b. purchaser's New Jersey receiving plant nearest the producer's farm, for such milk having a 3.5% butterfat content, plus \$.06 for each one-tenth of 1% butterfat content in excess of 3.5%, or less \$.06 for each one-tenth of 1% butterfat content below 3.5%.
- (i) Where such milk is resold in the counties of Burlington, Mercer, Camden, Gloucester, Atlantic, Salem, Cumberland, and Cape May, there shall be added to the maximum price set forth in this subparagraph (2), \$.40 per cwt., if such milk produced by the seller shows an average monthly bacteria count of 30,000 bacteria or less per cc.

(c) Definitions. When used in this order the term:

(1) "Class I fluid milk" means cow's milk in a raw unprocessed state produced and sold for human consumption in liquid form.

(2) "New Jersey Grade A Raw milk" shall have the meanings prescribed for such type of milk by the Secretary of Agriculture of the State of New Jersey in "Official Grades for Raw and Pasteurized Milk and Cream" promulgated January, 1939.

(3) "New Jersey Premium milk" shall have the meanings prescribed for such type of milk by the Secretary of Agriculture of the State of New Jersey in "Official Grades For Raw and Pasteurized Milk and Cream" promulgated January, 1939.

(4) "Average monthly bacteria count" shall have the meanings ascribed thereto in Order No. 42–29, issued December 31, 1942 by the Director of Milk Control of

the State of New Jersey and shall be determined in accordance with the provisions of such order.

(5) "F. o. b. purchaser's New Jersey receiving plant" means delivered at or to a receiving plant within the State of New Jersey which is either owned by the purchaser or in which, with respect to the particular purchase, the Class I fluid milk purchased from the producer is actually received by such purchaser.

(6) Unless the contract manifestly otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and Maximum Price Regulation No. 329 as amended, issued by the Office of Price Administration, shall apply to other terms herein.

(d) Geographical applicability. This order applies to all purchases of Class I fluid milk pursuant to which the purchaser receives physical delivery within the geographical limits of Region II and which is thereafter sold as Class I fluid milk by such purchaser in the State of New Jersey, except as indicated in paragraph (e) hereof.

(e) Exclusions. The provisions of this order shall not apply to purchases by Lotz Bros. Dairy Inc. of Clifton, New Jersey, of Class I fluid milk at the Centerville Receiving Station of the Centerville Milk Producers' Cooperative in Centerville, Maryland, and to purchases by Supplee-Wills-Jones Company of Philadelphia, Pennsylvania, of Class I fluid milk at its receiving station in Nassau, Delaware.

(f) This order may be revoked, amended or corrected at any time.

This order shall become effective as of April 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of May, 1943.

Sylvan L. Joseph, Regional Administrator.

[F. R. Doc. 43-18111; Filed, November 9, 1943; 12:50 p. m.]

[Region VIII Order G-9 Under MPR 165] SKINNING, CUTTING AND WRAPPING GAME ANUMALS IN STATE OF WASHINGTON

Order No. G-9 under Maximum Price Regulation No. 165, as Amended. Services. Adjusted maximum prices for the services of skinning, cutting and wrapping game animals by persons engaged in the food locker business in the State of Washington.

For the reasons set forth in the opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165, as amended; It is hereby ordered:

(a) The adjusted maximum prices which persons engaged in the food locker business in the State of Washington may charge for the services of skinning, cutting, and wrapping game animals shall be determined as follows:

(1) The adjusted maximum price for the service of skinning game animals

shall be the person's present maximum price for the service as determined under Maximum Price Regulation No. 165, as amended, plus the sum of 50 cents, provided in no event shall the adjusted maximum price exceed the sum of \$1.50.

(2) The adjusted maximum price for the service of cutting and wrapping game animals shall be the person's present maximum price as determined under Maximum Price Regulation No. 165, as amended, plus the sum of one cent per pound, provided in no event shall the adjusted maximum price exceed the sum of 3½ cents per pound.

(b) This order may be revoked, amended, or corrected at any time.

'This order shall become effective November 6, 1943.

(Pub Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2nd day of November 1943.

I. F. Gentner,

Regional Administrator.

[F. R. Doc. 43-18110; Filed, November 9, 1943; 12:50 p. m.]

[Region VIII Order G-11 Under MPR 333]

EGGS AND EGG PRODUCTS IN OREGON

Order No. G-11 under Maximum Price Regulation No. 333, as Amended. Eggs and egg products.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1429.63 of Maximum Price Regulation No. 333, as amended: It is hereby ordered:

(a) The adjusted maximum price for sales of consumer and procurement grade shell eggs in the counties of Clatsop, Columbia, Multnomah, Tillamcok, Washington, Clackamas, Marion, Lincoln, those portions of Lane and Douglas lying west of the summit of the Coast Range, Coos, Curry, Josephine, Jackson, Klamath, Lake, Deschutes, Jefferson, Crook, Wasco, Hood River, Sherman, Gilliam, Wheeler, Morrow, Grant, Umatilla, Union, Wallowa, and Baker in the State of Oregon shall be the maximum price for shell eggs as specified in §§ 1429.67, 1429.68 and 1429.69 of Maximum Price Regulation No. 333, as amended, for the City of Portland in the State of Oregon.

(b) The adjusted maximum price for the sale of consumer and procurement grade shell eggs in the counties of Yamhill, Polk, Benton, Linn, that portion of Lane and Douglas lying east of the summit of the Coast Range in the State of Oregon shall be the maximum price for shell eggs as specified in §§ 1429.67, 1429.68 and 1429.69 of Maximum Price Regulation No. 333, as amended, for the City of Portland, in the State of Oregon, minus one-half cent per dozen.

(c) This order may be revoked, amended or corrected at any time.

This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of November, 1943. L. F. Gentner, Regional Administrator.

[F. R. Doc. 43-18113; Filed, November 9, 1943; 12:50 p. m.]

[Region VIII Order G-16 Under 18 (c), Amdt. 5]

### FIREWOOD IN STATE OF WASHINGTON

Amendment No. 5 to Order No. G-16 under § 1499.18 (c) as Amended of the General Maximum Price Regulation (formerly Order No. 375 under section 18 (c) of the General Maximum Price Regulation). Adjusted maximum prices for sales of State firewood.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation as Amended and paragraph (f) of Order No. G-16 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 375 under section 18 (c) of the General Maximum Price Regulation), It is hereby ordered, That Order No. G-16 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 375 under section 18 (c) of the General Maximum Price Regulation) be amended in the following particulars:

(a) Paragraph (c) (3) shall be amended to read "'Qualified dealer' and means a retail fuel dealer whose place of business is located in one of the following cities in Washington: Centralia, Chehalis, Olympia, Seattle, Tacoma, Vancouver, Auburn, Kent: Provided, That any place of business located within a distance of three miles from the limits of any such city shall be deemed to be located within such city. A person who sells fuel in more than one place of business shall be deemed to be a different dealer with respect to each place of business."

(b) Paragraph (i) shall be amended

to read as follows:

(i) Appendix B: Maximum prices for sales by qualifying dealers. The maximum prices for sales by a qualified dealer of State firewood delivered to the premises of the buyer are those set forth below opposite the name of the city in which such qualified dealer has his place of business:

City	4-ft. lengths	12-in. & 16-in. lengths
Centralia or Chehalis	\$10.60 11.00 12.00 11.50 11.50 11.50 11.50	\$12.00 12.50 13.50 13.00 13.00 13.00

<sup>(</sup>c) In all other respects, the said Order No. G-16 (formerly Order No. 375) shall remain in full force and effect.

(d) This Amendment No. 4, and the said Order No. G-16 (formerly Order No. 375) as amended thereby, may be further amended or revoked by the Office of Price Administration at any time.

(e) This Amendment No. 4 shall become effective November 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of November 1943. L. F. Gentner, Regional Administrator.

[F. R. Doc. 43-18112; Filed, November 9, 1943; 12:50 p. m.]

[Region VIII Order G-69 Under 18 (c)]

FIREWOOD IN ISLAND COUNTY, WASHINGTON

Order No. G-69 under § 1499.18 (c) as Amended of the General Maximum Price Regulation. Certain firewood in Island County excluding Camano Island, Island County, Washington.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as Amended of the General Maximum Price Regulation: It is hereby ordered:

(a) The maximum prices for certain sales and deliveries of specified kinds of firewood in Island County, Washington, excluding Camano Island, Island County, Washington, as established by sections 2 and 3 of the General Maximum Price Regulation or by any previous order issued pursuant to such regulation or to any supplementary regulation thereto, are hereby adjusted so that the maximum prices therefor shall be the prices set forth in paragraphs (b) and (c).

(b) The maximum price for the sale of the specified kinds of firewood shall be:

(1) For sales in the woods in Island County, Washington, excluding Camano Island:

	4'	24"	16"
(i) Old growth forest wood, green or dry per cord(ii) Second growth forest wood and alder, green or dry, per cord	\$7.00 6.00	\$7.75 6.75	\$8.50 7.50

(2) For sales delivered to the premises of the consumer in Island County, Washington, excluding Camano Island:

	4'	24"	16"
(i) Old growth forest wood, green	\$11.00	\$11.75	\$13.00
or dry, per cord	10.00	*10.75	12.00

(c) The maximum prices established in paragraph (b) (1) are applicable only to firewood sold in the woods. The maximum prices established in paragraph (b) (2) are applicable only to firewood which is delivered to the premises of the consumer.

(d) No seller shall evade any of the provisions of this Order No. G-69 by

changing the customary allowances, discounts, or other price differentials.

(e) This order may be revoked, amended, or corrected at any time.

This order shall become effective November 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued November 2, 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 43-18114; Filed, November 9, 1943; 12:51 p. m.]

[Region I Order G-20 Under RMPR 122]

BITUMINOUS COAL IN NORTH SHORE AREA AND BOSTON, MASS.

#### **Correction**

In F.R. Doc. 17276, appearing on page 14646 of the issue for Thursday, October 28, 1943, the effective date in the last paragraph should be November 1, 1943.

[Region VII Order G-12 Under RMPR 122] SOLIDS FUELS IN STATE OF IDAHO

#### Correction

In F.R. Doc. 16953, appearing on page 14332 of the issue for Thursday, October 21, 1943, the second price under the column headed "Per ½ ton" in Table I should read "6.55".

### SECURITIES AND EXCHANGE COM-MISSION.

[File No. 70-805]

Illinois Iowa Power Co.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 9th day of November 1943.

Notice is hereby given that an application and declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder by Illinois Iowa Power Company, a registered holding company and an indirect subsidiary of North American Light & Power Company and The North American Company, both registered holding companies. All interested persons are referred to said application and declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Illinois Iowa Power Company proposes (a) to issue and sell \$65,000,000 principal amount of its First Mortgage and Collateral Trust Bonds, \_\_\_\_% Series (interest rate has not as yet been determined) due 1973, and publicly to invite sealed, written proposals for their purchase in accordance with the provisions of Rule U-50; (b) to issue and sell to commercial banks at private sale and not for resale to the public, 23/4% Serial Notes in the principal amount of not less than \$4,000,-000 and not more than \$5,000,000 matur-

ing in ten semi-annual installments commencing six months from the date thereof; and (c) to use the proceeds from the issuance and sale of the aforesaid bonds and notes, together with other cash, to redeem its presently outstanding First and Refunding Bonds, Series A and Series C, in the principal amount of \$69,855,600 at their redemption prices plus accrued interest.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said application and declaration shall not be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on said matters under the applicable provisions of said act and rules of the Commission thereunder be held on November 23, 1943 at 10:00 a.m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held.

It is further ordered, That any person desiring to be heard or otherwise to participate in the proceedings, shall file with the Secretary of the Commission on or before November 20, 1943, his application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of this Commission shall serve notice of the aforesaid hearing by mailing a copy of this order to the Illinois Iowa Power Company and to the Illinois Commerce Commission by registered mail; and that notice of said hearing be given to all other persons by publication of this order in the Federal Register;

It is further ordered, That without limiting the scope of the issues presented by said application and declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed issuance and sale by Illinois Iowa Power Company of \$65,000,000 principal amount of First Mortgage and Collateral Trust Bonds,

--% Series due 1973, and 234% Serial Notes in the principal amount of not less than \$4,000,000 and not more than \$5,000,000 are solely for the purpose of fancing the business of the issuer and have been expressly authorized by the Illinois Commerce Commission;

(2) Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose any terms or conditions in order to ensure compliance with the requirements of the Act and of any rules or regulations promulgated thereunder.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 43-18141; Filed, November 10, 1943; 11:24 a. m.]

#### [File No. 70-749]

SOUTH CAROLINA ELECTRIC AND GAS CO.
AND GENERAL GAS AND ELECTRIC
CORP.

ORDER RELEASING JURISDICTION OVER LEGAL FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelpha, Pa., on the 9th day of November, 1943.

The Commission having by order dated July 15, 1943, granted the application of South Carolina Electric & Gas Company, a subsidiary of General Gas & Electric Corporation, a registered holding company, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) thereof of the issue and sale, in accordance with Rule U-50 promulgated under the Act of \$20,000,000 principal amount of First Mortgage Bonds; and having by said order reserved jurisdiction over the fee of Milbank, Tweed & Hope, as counsel for the underwriters of the said bonds, and of the legal expenses of South Carolina Electric & Gas Company in connection with the said application; and

Counsel concerned having filed statements with respect to services performed in connection with the transactions, and it appearing to the Commission that the fee of Milbank, Tweed & Hope, and the legal expenses of South Carolina Electric & Gas Company are not unreasonable, and that jurisdiction over such matters should be released;

It is ordered, That jurisdiction over the fee of Milbank, Tweed & Hope and the legal expenses of South Carolina Electric & Gas Company, in connection with the said application, be and hereby is released.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F.R. Dcc. 43-18142; Filed, November 10, 1943; 11:24 a. m.]

# WAR PRODUCTION BOARD.

[Serial No. 27759]

Board of Transportation, New York City

CANCELLATION OF REVOCATION ORDER

Preference Rating Order P-19-h, Serial No. 27759.

Builder: Board of Transportation, City of New York, New York City, New York.

The revocation issued on October 2, 1943, of the above serially numbered preference rating order is hereby cancelled; the ratings assigned by said preference rating order are hereby restored; and said preference rating orders shall have full force and effect.

Issued this 10th day of November 1943.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F.R. Doc. 43-18143; Filed, November 10, 1943; 11:34 a. m.]

[Serial No. 7697]

ROAD AT CAMP SHELBY, MISS.

CANCELLATION OF PARTIAL REVOCATION ORDER

Preference Rating Order No. P-19-e, Serial No. 7697.

Builder: Mississippi State Highway Commission, Jackson, Mississippi. Project: Construction of 10.461 miles of sand asphalt pavement to provide a road for civilian use around Camp Shelby, Mississippi, identified as Mississippi DAWC 1 (1).

The partial revocation of preference rating issued on May 19, 1943, Serial No. 7697 is hereby cancelled; the preference ratings previously assigned are hereby restored; and said preference ratings shall have full force and effect.

Issued this 10th day of November 1943.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,

Recording Secretary.

[F.R.Doc. 43-18144; Filed, November 10, 1943; 11:34 a.m.]